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Proceedings 1957
No. 52 - 54

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ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD SERVICE ON THE CANADIAN PACIFIC RAILWAY

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PROCEEDINGS

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SHORTHAND REPORTER
241 MANOR AVENUE
ROCKCLIFFE PARK
OTTAWA, CANADA

Chairman

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ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD SERVICE ON THE CANADIAN PACIFIC RAILWAY

Proceedings of public hearing held at Ottawa, Ontario, Tuesday, June 11, 1957

PRESENT:

Hon. R. L. Kellock,	Chairman
Hon. C. C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A. R. Winship,	Asst. Secretary

APPEARANCES:

D. W. Mundell, Q.C., C. J. A. Hughes, Q.C.,	Representing the Commission
I. D. Sinclair, Allan Findlay,	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Tuesday,
June 11, 1957.

52nd DAY

MORNING SESSION

---The Commission resumed at 10.00 a.m.

GEORGE HOBBS, recalled.

MR. LEWIS: Mr. Chairman, if I have your permission I should like to make a substitution of one of the exhibits filed yesterday. Through Mr. Hobbs I filed Exhibit 258 which gave you the times and the average miles per hour for the CANADIAN going westward and for the DOMINION passenger trains going eastward. As I should have foreseen, that necessarily led to some little confusion. So I have had prepared in place of that exhibit another exhibit which shows the CANADIAN going both westward and eastward, and the DOMINION going both westward and eastward. I think that will perhaps be a little more helpful and less confusing. I just thought we might make that substitution.

THE CHAIRMAN: You have no objection, Mr. Sinclair?

MR. SINCLAIR: No, sir. I have a supplement to put in to that.

THE CHAIRMAN: Not a substitution, it is an addition?

MR. SINCLAIR: Yes, sir.

BY MR. LEWIS:

Q Mr. Hobbs, I had almost finished with my questions to you and I want only to ask you, which I do now, what your reaction would be as an engineer and

from your experience as an engineer and on the basis of the experience which you have outlined to the Commission if the helper were to be removed from road freight diesel engines?

A Mr. Lewis, my interest in this matter never has been and is not now economic. If it were only economic I would not be here today. Let the firemen battle it out.

To me I would say this, that the only people that really know the whole picture, the only people who could possibly know the whole picture, is the man who works on the engine each day, all day and every day. That is the engineer individually or engineers as a group.

I am not in any way invoking the engineer's organization, but I say the engineers, the men who are running engines as a group. I know from speaking to them and from my own experience, and I do hope, I venture the hope that the day will never dawn that I will have to move out in the territory we have to work in with the type of engine we have today, with the hazards we have to face, without having that extra help, that needed extra pair of eyes on the left side of the cab at

all times and who will be able to check my errors, and I have found I have made errors.

I feel that if something should happen that we were compelled to operate locomotives without a helper to help us in mechanical things as well as other matters, I am afraid this job of ours which is improving -- it is not as hazardous as it used to be, but it is still hazardous -- would immediately become infinitely more hazardous.

MR. LEWIS: Those are all the questions I have, Mr. Chairman.

BY MR. SINCLAIR:

Q Mr. Hobbs, when Mr. Lewis asked you about your qualifications you said you were a member of the engineers' organization and that you paid token dues to the firemen's organization; that is what your evidence was, is that correct?

A That is correct.

Q The reason for that is not a wish of your own but the effect of the collective agreement with the union; it is part of it, is not that so?

A No, that is not correct.

Q Are you not one of the leading members

of the firemen's organization in Revelstoke?

A No, sir.

Q Are you not the legislative representative for the firemen's lodge at Revelstoke?

A No, sir.

Q When did you resign from that job?

A To the best of my memory about three years ago.

Q What about being a member of the firemen's grievance committee?

A No, sir, I am not a member of the firemen's grievance committee. I was secretary of the firemen's some years ago.

Q How long ago?

A I think it is somewhere between two or three years, Mr. Sinclair.

Q Were you not very active, Mr. Hobbs, when the question as to the representation of the enginemen was afoot, as to whether the firemen's union, as to whether the Brotherhood of Locomotive Engineers were to represent the enginemen in Revelstoke; were you not active in trying to get the firemen's union to represent the enginemen in the Revelstoke Division?

A Yes, sir.

Q In recent months did you not conduct meetings on behalf of the firemen's organization in various places in British Columbia?

A I did not conduct them, no.

Q You appeared at them?

A I appeared at them, yes, on the request of Division 657 in Revelstoke, of the Brotherhood of Locomotive Engineers.

Q At the request of the Brotherhood of Locomotive Engineers you appeared?

A Yes, sir.

Q You did not appear at them at the request of Mr. Pye and Mr. Graham?

A That statement is incorrect.

Q They did not ask you to appear?

A They did not.

Q You volunteered, is that right?

A No, sir.

Q Did you not tell the firemen at some of those meetings that they would have to smarten up or their jobs would be in jeopardy?

A I have never ceased to tell the firemen that they have got to smarten up.

Q I did not ask you that, I asked you if at some of those meetings you did not tell the firemen they had to smarten up or their jobs would be in jeopardy, or words to that effect?

A I don't think so, not in those meetings. I usually told them that the fireman has got to get out and hit the ball. I always have told them that.

Q You told them that at those meetings?

A I have told them that and I have told them before ever this diesel question started.

Q You said not at those meetings, that you didn't tell them they would have to smarten up, but did you tell them individually or at smaller informal meetings?

A Not to my memory. I know I have said it always in general terms.

Q You took a very active part in regard to this dispute when the strike was on, didn't you, Mr. Hobbs? You were making speeches on different occasions; remember that?

A I will always defend my right to express my opinion in a free society.

Q I am not challenging that right, Mr. Hobbs, and nobody is. I just asked you whether you took an active role during the strike and made speeches?

A You said "speeches"? Is that what you said, Mr. Sinclair?

Q Remarks.

A Did you say "speeches"?

Q Remarks or speeches, I don't know what you want to call them.

A If you said "speeches," if you are using it in the plural, that would be wrong.

Q You made one, is that right?

A That is right.

Q Now, Mr. Hobbs, one of the points you covered in your evidence had to do with the Mountain Differential, and there are a few questions I want to ask you on that first. The purport of your evidence was that it took much longer to take a train over the Mountain Subdivision than it did over the Shuswap; correct?

A No.

Q It does not take longer to take a train over the Mountain than over the Shuswap?

A It takes longer, yes.

Q Much longer?

A Well, from the exhibit I see before me and which I have prepared it would appear that at a speed of 16 miles per hour as against an average of where the basic rate is in effect is approximately in round figures 26 miles an hour. It is considerably slower on the Mountain.

Q Considerably slower on the Mountain. I think you agree that symbol trains move over the subdivisions faster than do fourth-class trains or extras?

A I would not say that.

Q Generally speaking?

A The dispatcher and everybody else tries to give symbol trains a better play for their run, as we say.

Q They are usually shown on the time cards, such as Time Cards 107 and 108, as third-class trains; they are under third-class designation, are they not?

A Third and second.

Q You have had occasion where you have made very good time on the Mountain with freight trains, have you not, Mr. Hobbs?

A On occasions, yes.

Q Faster time than you made on the Shuswap?

A Yes. We can get into a tangle there. It is just a matter of pitching a coin. Some days are better. But after all when you work it as we have done and when you try to get the over-all picture you find that the Shuswap is faster than the Mountain.

Q I am just going to ask you to recall some of the trips you made on the Mountain in September last year. On

September 25 you were engineer on Train No. 80; that is a fourth-class train, that is a drag, is it not; Train No. 80 is a drag?

A No, sir, that is absolutely wrong.

Q It is a fourth-class train?

A It is a fourth-class train, but we have run many symbol trains which would be all hot shot trains and have made runs as No. 80. It may also run as an extra and one of the so-called symbol trains would be making a drag.

Q But usually they run on schedule?

A Sometimes no and sometimes yes.

Q If you were a second-class train, drags and trains of a lower class would have to clear you?

A No, but the dispatcher in that case would give you rights and give you the main line.

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Q Let me read some of the trips you had. On September 25, 1956, you were engineer on train No. 80. That is a fourth-class train, eastbound, with engine 8532, and your time over the Mountain Subdivision from Revelstoke to Field was five hours and 35 minutes.

On your return trip you left just before midnight on the same day from Field back to Revelstoke and your train was an extra, 8503 and your time was six hours and 15 minutes, both of these switch to switch. You remember these trips?

A Oh, heavens, no.

Q They are in your book. Wouldn't they be in your book?

A What kind?

Q In your book, in your time book?

A In my ticket books?

Q Yes?

A Oh, no sir. I keep quite a number of my ticket books but I just couldn't get them all here.

Q But you have them?

A I haven't them here, sir.

Q But you have them at home?

A I think I have in my locker.

Q If there are any errors in these figures I give to you I am sure you will let Mr. Lewis know and he can inform the Commission. In the month of August you were running on the Shuswap. On August 1 you had extra 8494 west, Revelstoke

to Kamloops, and your time switch to switch was seven hours and 20 minutes, and on your return trip you had the first section of train 86, which is a fourth-class freight train, engine 4031, and your time was five hours and 35 minutes.

On August 4 on your eastbound trip you were running as the fourth section of a fourth-class train being No. 86 on engine 8523 and your time switch to switch was six hours and 35 minutes.

A Where am I running there, Mr. Sinclair, what Subdivision?

Q Shuswap.

MR. LEWIS: What was the date of that?

THE CHAIRMAN: August 4.

MR. SINCLAIR: August 4. It didn't just happen, Mr. Hobbs. I will take some other month. In the month of October of last year you were running on the Mountain Subdivision. On October 10 you were on train No. 948, engine 8409, and your time switch to switch on the Mountain Subdivision was five hours and 30 minutes.

On August 12 you were on train No. 954 engine 8487, and your time over the Mountain Subdivision was five hours and 40 minutes. Then, later on in the month, October 21, again on train 954, engine 4038, you were five hours and 30 minutes.

The next day you were on 951, engine

8496, five hours and 25 minutes, Mountain Subdivision. Then your next trip was on the 25th of October, 953, engine 8503, five hours and 50 minutes. I will ask you to keep these times in mind, Mr. Hobbs.

THE WITNESS: I am sorry, I just haven't a memory like one of these new electronic machines. I couldn't possibly keep those in memory.

THE CHAIRMAN: I think, Mr. Hobbs, that Mr. Sinclair is asking you to keep them in mind now for further questioning.

THE WITNESS: Oh.

BY MR. SINCLAIR:

Q I should like you to keep them in mind in relation to the times you made in the month of July when you were running on the Shuswap Subdivision. On July 11 you were on train, second 86, engine 8409, and your time switch to switch was six hours and 15 minutes on the Shuswap.

On July 17, on extra 4037, your time on the Shuswap was an even six hours switch to switch. On the 22nd of July you were on extra 8545 and your time switch to switch was eight hours and five minutes on the Shuswap. On July 26 on train 90, engine 8498, your time switch to switch was six hours and five minutes.

You will agree, Mr. Hobbs, based on your

experience in running on the Mountain and Shuswap that there are many factors that affect the time over the Subdivision?

A That is the reason -- there are many factors and that is the reason why we prepared as far as possible to give the picture of all trains.

Q Then you will agree that such matters as what month you are comparing has something to do with it and the number of trips in a month, one Subdivision versus another?

A I cannot see how the number of trips I make in a month has any relation to the speeds over the road. If you can show me I may be able to answer your question.

Q If you have more trips in one month on one Subdivision than you have on another Subdivision conditions may be somewhat different as regards traffic flow, meets and things like that. All of these affect the time over the division?

A Oh, they all affect the time over the division.

Q And the proportion of symbol trains you have to fourth class and extra trains in figuring out the average has some effect?

A Well, you cannot answer that question without qualifying it and I don't want to make a speech, Mr. Sinclair, by any means, but it is so involved I would have to have the whole

picture in front of me. I know trips I have made where we would run as a symbol train, a time card symbol train, but more than likely I don't know what I had in the content.

MR. SINCLAIR: Mr. Chairman, I have made a small analysis of Exhibits 253 through to 257 and I should like to file this table as Exhibit 261.

THE CHAIRMAN: What is it?

MR. SINCLAIR: It is a table showing an analysis of Exhibits 253 to 257 inclusive. It shows the proportion of symbol trains on these various exhibits to the total and the number of fourth class and extras to the total. It is what I might term an analysis of some of these exhibits that were filed yesterday.

EXHIBIT NO. 261 -- Table containing analysis of Exhibits 253 to 257 inclusive.

BY MR. SINCLAIR:

Q Now, Mr. Hobbs, I have taken Exhibits 253 and 254, which had to do with the Mountain Subdivision, and have taken the total number of trains, the number of those that were symbol trains and the number that were fourth class and extras. You will notice that on the Mountain Subdivision 43.7 per cent of the trains you recorded on your exhibits dealing with the Mountain Subdivision were symbol trains but fourth class and extras were

56.3 per cent. I would ask you to compare that with the same calculation for the two exhibits that you put in for the Shuswap Subdivision. There you have 62.1 per cent symbol trains and only 37.9 per cent fourth class and extras.

Then on the Thompson Subdivision, and there is a remarkable similarity, you get pretty nearly the same percentage of symbol trains to fourth-class trains. You notice that?

A I think, if I may say so with all due respect, that there is a lot of confusion in this thing. I would have to give this a lot of thought. From my first look at it, Mr. Sinclair, could you give me information before I could agree or disagree with you? How did you arrive at what a symbol train was, Mr. Sinclair?

Q I took a symbol train to be a time card freight train over the division where it was running on a schedule set up in the time card.

A From my own practical knowledge --

Q Now --

A I am sorry, Mr. Sinclair --

THE CHAIRMAN: I think you have got to get back to questions and answers, Mr. Sinclair.

MR. SINCLAIR: I just wanted to tell him and the Commission rather than Mr. Hobbs

what a symbol train was.

THE CHAIRMAN: We have had that definition on the record before this.

MR. SINCLAIR: That is right.

BY MR. SINCLAIR:

Q Not only did that exhibit work out that way but then you filed Exhibits 259 and 260 in which you worked out the averages or the average miles per hour and average time per trip over the various Subdivisions based on the trip reports of Mr. Fraine and the trip reports of Mr. Russell, and I have checked those exhibits against the time card and I find that over 80 per cent of the trips in Exhibit 259 as well as in Exhibit 260 were symbol freight trains and only something around 20 per cent or a little less than 20 per cent on extras or drags. Did you know that when you made up these exhibits? Did you make that kind of analysis?

A I wasn't in a position to make that analysis not being familiar with the -- not having the time card, not having the other information, and I want to say this, that the whole idea of basing any comparison against symbols and extra trains and taking it from the exhibits that I have put in here isn't on any good foundation at all because I have over

and over again from my own practical knowledge run as an extra and I have had an entirely symbol train. Nearly every car in it would be symbol, and conversely I have been in these third-class trains and I have had nothing else but a drag.

Q Mr. Hobbs, you say everything on the train would be symbol. A symbol train is one that is run on a time card schedule and it does not turn on what is the consist of the cars on the train. As a railroader you know that?

A I am afraid I cannot agree with you.

Q What do they set up second and third-class trains in the time card for if it is not to expedite their movement? Do you know?

A I don't think -- to a degree they expedite the movement of symbol trains but they expedite the movement of trains, period.

Q Then, Mr. Hobbs, again looking at your Exhibits 253 to 257, if you will follow this with me, when you were dealing with the Mountain Subdivision the preponderance in Exhibits 253 and 254 is in the months of December and January. Then when you come to Exhibits 255 and 256 you start introducing some of February into that comparison and also some November, more November proportionately than you had in the two exhibits dealing with the

Mountain Subdivision. Then when you come to Exhibit 257 dealing with the Thompson Subdivision you have no December and the preponderance is February and you have two trips in March. Had you noticed that?

A I just utilized the ticket books that were supplied me.

Q Now, this morning you filed substitute Exhibit 258. This had to do with passenger trains. Mr. Hobbs, the passenger trains that are now operating and have been operating for a few months over the Mountain and Shuswap and other subdivisions are Nos. 1 and 2, 5 and 6, and 6 and 7. That is correct, isn't it?

A That is correct.

MR. SINCLAIR: Mr. Chairman, I have a table which I would like to file as Exhibit 262.

EXHIBIT No.262: Schedule speeds of passenger trains - MPH.

BY MR. SINCLAIR:

Q Mr. Hobbs, I prepared this exhibit 262 from the same source as you took your Exhibit 258 -- I have lifted out of folder A, which is the same source you used in your Exhibit 258, certain schedule times of these passenger trains, and I have listed them here for various subdivisions. You will notice, Mr. Hobbs, that I have substituted or added certain subdivisions in Ontario in place of the ones you have. I have put in Chapleau to White River, and North Bay to Cartier, and Mactier to Cartier, for trains 5 and 6.

I should explain to the Commission that 5 and 6 do not run from Sudbury to

Montreal, but go from Sudbury down to Toronto. That is why I have put 5 and 6, Mactier to Cartier, instead of North Bay to Cartier.

You will notice from that, Mr. Hobbs, that train No.1 for instance is slower on valley and differential territory between Kamloops and North Bend than it is on the Mountain between Field and Revelstoke. Do you notice that?

A Yes, but there is a logical reason.

Q Do you think under that relationship that fireman on No.1 should receive Mountain differential on train No.1 between Kamloops and North Bend, and the fireman between Field and Revelstoke should receive valley differential? Do you suggest that.

A The only thing that this exhibit would suggest to me is that I and my associates have been asleep at the switch, and that Mountain and Valley differentials are far too low now.

Q You think they should both be up to Mountain differential?

A Proportionate with the speeds of trains.

Q You think this should be reversed?

A No, I don't say it should be reversed.

Q Let me take you down to the question as between some of these other trains, some of these other subdivisions: You will notice in your exhibit that between White

River and Schreiber No.1 speed is under 40 miles an hour, while on the prairies it gets up to 57 miles an hour, and 58 miles an hour even between Moose Jaw and Swift Current. You notice that from your Exhibit 258, do you?

A I notice that from 258.

Q Now, do you think there should be a differential paid to the firemen between White River or Schreiber, or looking at my Exhibit 262, between Chapleau and White River or North Bay and Cartier, or Mactier and Cartier? Do you think the firemen running on these trains in Ontario should be paid a differential because they are slower than the trains are on the prairies.

A No; it is the over-all average I imagine that should go in. That is the reason why I picked out three Valley differential main line operations; I picked out three on the prairie, and three in eastern Canada, and took them as a yardstick to go by.

Q On my Exhibit 262 I picked out three northern Ontario, or what might sometimes be referred to as northwestern Ontario, across the North Shore from Mactier west. Do you say that the enginemen on each of these subdivisions - or rather the firemen, because that is what is in issue here - should receive a differential

because their time is slower than on the prairies?

A No doubt when they examine this exhibit they will be making representations to their organizations to get extra compensation because of the slow time. I said "no doubt" - I can't speak for them.

Q You would support the firemen in such representations, would you?

A After I had thoroughly examined it. I won't support anything unless I am convinced it is just and right.

Q But before you gave your evidence you had not analysed this very closely, had you Mr. Hobbs, as to the situatinn of time on the Mountain.

A I was unable to analyse it, not knowing the geography or the characteristics or the type of work being done by your train Nos. 5 and 6. As far as we are concerned there is only one coach on there, and it does a lot of express work and fruit work.

Q Would you agree, Mr. Hobbs, in the light of your answers that any time a fireman goes across the Mountain subdivision in under six or seven hours he should take a lower rate than if it took him a longer time.

A No, that would be grossly unfair - he should

take the rough with the smooth. The over-all average, such as we have put in this exhibit, is the only method of getting a yardstick of comparison.

Q Taking the over-all average, as you want to do it, without a close analysis, how much more difficult timewise would you estimate the Mountain to be as against the Valley differential subdivision.

A The most eloquent answer I can give to that would be the fact that both a witness that appeared here before me and myself threw in the towel on the Mountain subdivision and went west where we would receive less pay.

Q There may be a lot of reasons for that; and that may bring this other matter up - I am glad you reminded me of it, Mr. Hobbs. In April you had made up your mind to move to the Thompson subdivision, hadn't you?

A I had not made up my mind.... if you will pardon me for interjecting some personal stuff --

Q You had decided to move.....

THE CHAIRMAN: Mr. Sinclair, you have put a question to the witness and he has not finished answering it.

MR. SINCLAIR: I thought he had.

THE WITNESS: I got a cash offer for my home. I am sorry that I have to interject this

personal stuff here -- it is not helpful to the Commission, but I simply have to make that explanation.

BY MR. SINCLAIR:

Q Very well.

A I got a cash offer for my home. My family wished to move to Vancouver, at least my wife did; my daughter was going to university this year in Vancouver, and for personal reasons - I imagine mother's apron strings - she would like to be with our only child. She asked me if it was possible to go down there, and I said No. I had worked down there and I did not like it because of the fog. She said what about going closer to Kamloops. I said all right, I would go closer, maybe - I would consider it.

Q Then you made a trip to look at the road; at least you started to make a trip to look at the road on the Thompson subdivision out of Kamloops?

A That is right.

Q And when you got half way over the subdivision you got off the engine and said you were not at all impressed with this territory and you would rather work out of Revelstoke?

A No, I did not make that remark.

Q You did not?

A I was not impressed with the territory -

I did not like it. I will say now that as far as I know I don't like that territory, and I don't like Kamloops. I hope the Kamloops people don't get too mad at me, but you can't even get a decent drink of water there - it is like Ottawa.

Q When you made these two trips on April 29 and April 30 - do you remember them?

A Yes.

Q On those two trips you made one round trip, westbound, you had a symbol train, No.965?

A That is right.

Q And eastbound you had an extra?

A That is correct.

Q And the only switching you did en route was at Golden?

A At Golden.

Q Where you set out 18 cars off the head end on those two trips?

A That is right.

Q That is the only work you did en route?

A That is right.

Q And you said that when you were at Golden on that occasion it was necessary for you to use the fireman as a signal passer moving eastbound with a cut of 18 cars to be put in the south passing track - that is on Exhibit 237. I think the Secretary might put that exhibit before you,

Mr. Hobbs, so that you can have it in mind, because I wish to ask you a few questions with regard to it. We agree that the sketch 237 is not quite right.

A Yes.

Q The tracks are straight?

A Our artist is good but he is not that good.

Q West of the highway the tracks are straight. You came in from the west going east; you pulled into what is marked on Exhibit 237 as north passing track - do you remember that?

A Yes.

Q Your tail end man came up over the top, do you remember that?

A Yes.

Q The conductor stayed back at the west end of the yard?

A That is right.

Q You cut off 18 cars and pulled easterly on the north passing track clearing the highway?

A That is right.

Q And your evidence, as I recollect it - and you will correct me if I am wrong - as you moved eastward you said that you were getting signals from the trainman, but he went out of your view. He climbed the cars and got in view of the fireman?

A That is right.

Q Now, as he was climbing those cars, did he go out of your sight as he was going up the cars?

A Just momentarily.

Q Did you stop?

A I set the brakes.

Q You set the brakes as soon as he went out of your view?

A I set the brakes gently, not to drive in the slack too hard.

Q You set the brakes as soon as he disappeared from your view?

A Yes.

Q And the fireman told you he had him?

A Yes, and I again released the brakes.

Q Then you got a stop signal being relayed through the fireman?

A Yes, that is correct.

Q Then you picked up the signal relayed through the fireman?

A That is right.

Q And then as you move easterly pushing this 18-car cut, the fireman lost the man on the top of the cars?

A The fireman, he is going to your side. I immediately started to stretch to get the slack.

Q You put your brake on immediately?

A No, you have to do that gently or you

will throw the man off the top of the cars; you can't jam on the brakes and snap it.

Q You put the brakes on, as he said.

A I did.

Q And you released them as he came back into your view?

A Yes.

Q And he got down off the cars and gave you the signal to move back onto what is marked as the south passing track?

A That is correct.

Q I want to be fair with you before putting this question to you: On Friday last two officers of the company were at Golden, and they observed two moves being made by crews there, one being a southbound crew - that would be on the Lake Windermere - and one being an eastbound extra crew with three units. On the southbound crew they had a cut of 30 cars, and they made a move off to the north, across the crossing and around to the east, just as you did, and working with that 30-car cut were two men on the ground, never going on the top of cars and at all times relaying signals direct to the engineman. That was one instance. Later that same day an extra came along, and on that occasion the conductor came up and the three train crew participated in the move, and they

had a hold of 34 cars and three units. They made a move such as you have made east, across the crossing, and again the ground crew positioned themselves in such a way that they relayed signals direct to the engineman.

Now, in the light of that, Mr. Hobbs, with your knowledge of this territory what would you say as to the necessity for relaying signals through the fireman in making a cut or a move such as you made on April 29? Are you going to tell this Commission that it was necessary for the fireman to be used on that occasion?

A No. Did you read the transcript of what I said on that?

THE CHAIRMAN: Do not ask counsel questions, witness. Answer the question you were asked.

BY MR. SINCLAIR:

Q But you are not going to say it was necessary?

A No, if I waited until the conductor came up.

Q I am talking about you only having eighteen cars with two men -- leave the conductor back, eighteen cars and two men, are you going to swear to this Commission if you only have two men up and a cut of eighteen cars such as you had that it is necessary for the fireman to be used as a signal passer at Golden, making the move you described?

A Could you direct that question to me again? I am sorry, I went over the derail on that.

THE CHAIRMAN: The reporter will read it.

THE WITNESS: I want to make sure I give you a proper answer, a forthright answer.

The reporter read the following question:

"Q. I am talking about you only having eighteen cars with two men -- leave the conductor back, eighteen cars and two men, are you going to swear to this Commission if you only have two men up and a cut of eighteen cars such as you had that it is necessary for the fireman to be used as a signal passer at Golden, making the

"move you described?"

THE WITNESS: I will have to say no, but I would have to qualify it in this. I do not hold any of the trainmen or instruct them how they are going to give signals, or where he is going to give signals. I take the signals. In this case the trainman saw fit to go high and he gave me the signals. We expedited the movement well, and if he had given me signals from the ground, I would have accepted them. I could say we only work as a team from the signals received.

BY MR. SINCLAIR:

Q But you will agree, Mr. Hobbs, if you had your signals relayed directly to you by the two trainmen on a move that you made, the signals at no time would have disappeared from view and you would never have had to set your brake as you did when you were switching back and forth between the engineman and fireman; that is so, isn't it?

A I did not examine that part of it.

Q But you did have to set your brake when the signal disappeared from view?

A I always do.

Q On the two occasions in making the move?

A I always do.

Q But you did set your brake on two occasions because the signals disappeared from view?

A Yes.

Q And that is not as safe a practice as keeping

the signals in view at all times, is it, Mr. Hobbs?

A It is always a safe practice to slow the movement or bring it to a stop when the signal goes out of sight; that is the rule.

Q Yes, but it is not as good as keeping the signal in view at all times, so you do not have to handle your train the way you were doing on that occasion?

A I think I was handling my train quite well, expeditiously, without rough handling.

MR. LEWIS: If I may interrupt, perhaps my friend would be good enough to put on the record, so I may know the names of the train crew on the southbound move with 30 cars and the extra eastbound with 34 cars, who he has been indicating made the move in that way.

MR. SINCLAIR: I will be glad to get them. In view of the instructions I have, before Mr. Brunner gave testimony I asked the Superintendent and one of his other officers, by telephone, to go out there, and he did go out there.

THE CHAIRMAN: This is the report he has given.

MR. SINCLAIR: That is the report he has given.

THE CHAIRMAN: You will give Mr. Lewis the names?

MR. SINCLAIR: Yes, I will give them, but I will have to phone him again or wire him.

MR. LEWIS: I appreciate that, but I would like the opportunity of questioning them anyway about 30 or 34 cars and making the moves with signals from the engineer's side. This is the first time that has been suggested.

MR. SINCLAIR: No, I suggested that to Mr. Brunner.

MR. LEWIS: Not on this kind of cut. However, I just want to find out about it.

BY MR. SINCLAIR:

Q We may take a look at this way of doing this. You had a move at Glenogle, on Exhibit 251. There were two moves you made in connection with this exhibit. One was a running and standing inspection. That was the first bit of evidence in connection with this exhibit; do you remember that?

A Yes.

Q You were westbound at the time?

A That is right.

Q And you were saying you were going to deal with the situation; westbound, you said that you approached your switch, you slowed down and the head brakeman got off?

A That is correct.

Q Then, you ran through up to the west switch as shown in Exhibit 251, with the head trainman on your engine?

A That is correct.

Q Then, you said the rear trainman walked up

from the rear?

A I think there is a little error there, Mr. Sinclair. Both trainmen walked up towards --

Q You are quite right, Mr. Hobbs. What you said was you stopped at the west switch or a little by the west switch?

A No, no.

Q A little by the east switch?

A That is right.

Q Then, the head trainman, who had detrained there, and the rear trainman, walked up to the head end?

A That is the move.

THE CHAIRMAN: One on either side.

BY MR. SINCLAIR:

Q One on either side of the train, and the conductor stayed back on that move?

A That is generally the move there. It is not the same, any set pattern, for the conductor. Sometimes they come up.

THE CHAIRMAN: You are just being asked about this occasion.

THE WITNESS: Oh.

BY MR. SINCLAIR:

Q The conductor on this occasion stayed back in the van?

A Yes.

Q He did not inspect his train on that occasion?

A The conductor sometimes has to register and the brakemen do the inspecting.

THE CHAIRMAN: Witness, you are just being asked about what took place on this particular occasion.

THE WITNESS: The conductor stayed in the van.

BY MR. SINCLAIR:

Q You know Rule 111, the fourth paragraph, which is at page 66 of the Uniform Code, Exhibit 27. You know this rule, Mr. Hobbs:

"Conductors and trainmen must know that cars in their trains are in good order --"

A Yes.

Q I continue:

" -- before starting and inspecting them whenever they have an opportunity to do so. All cars taken in their trains en route must be examined with extra care."

That applies to conductors and trainmen, I will paraphrase it. Conductors and trainmen must inspect cars whenever they have an opportunity to do so. You agree with that?

A That is what the rule implies.

Q For that rule to be carried out here, what could have been done is, after you stopped, have both the conductor and rear trainman walk up the train and inspect it and for the head trainman to stay on the engine until you stopped, and he could have walked

back and they could have done that, couldn't they?

A I only know what we are instructed to do, and that is the method in which the brakeman and engine crews are instructed, and that is the procedure in the matter of inspecting trains in our territory.

Q Instructed by whom?

A The supervisory officers.

Q By the supervisory officers, and they say the conductor should stay in the van on these inspections?

A No, sir, but these brakemen drop off the engine.

Q If you bring the two members of the rear crew up and let the front man go back, then the rule is completely complied with, isn't it?

A Not in the interpretation we have been given. The brakeman is required to drop off and let the train pull by him.

Q It says that a man will make a running inspection, so that the conductor could allow the train to pull by him as you pulled out at the west switch and entrain at the van?

D-2 THE CHAIRMAN: The head trainman, you mean, not the conductor?

BY MR. SINCLAIR:

Q The conductor has walked up from the rear end, and after they pull out, a pull-out

inspection, that could be done?

A I do not think it is a safe practice. I think the practice we use now is much better and that is what the officers there insist that we do.

Q You say that it has to be a trainman. Well, then, the rear trainman could stay at the switch and watch the train as it pulled by?

A Yes, but he would only make an inspection of the one side. We are required by the rule to make a running -- required by instructions to make a running and standing inspection of both sides of the train.

Q Let me give you a way of doing this, Mr. Hobbs, that will completely comply with the rules. The head trainman stays with the engine until it stops at the west switch; you follow that?

A I would not permit it because it would be in violation of instructions received. I would tell him to get off.

Q I am telling you how the rule could be complied with in its full particulars. He stays with the engine until you get to the west switch. He gets off and walks back on his train and the two rear men walk forward. They meet halfway down the train. The conductor cuts through the train, after discussing the matter with the head trainman,

and then the head trainman returns to the head end and the rear trainman and the conductor return to the van. The rear trainman stays on the ground as you pull out of the siding and entrains on the van. You have never seen an inspection done that way?

A It would be in violation; you would have one quarter of the one side of your train which would not get a running inspection. I would not advocate it at all. I think it is a dangerous practice.

Q Well, you will agree if the two rear men come up as I suggested in the first instance, you get a complete inspection?

A You get a complete inspection, but then we would set up again another hazard.

Q Now, in Rule 111, Exhibit 27, the next paragraph says:

> "When practicable, employees of a moving train must make frequent inspection of their train to ensure it is in order --"

That is not applicable here.

> " -- and when a freight train stops a trainman will be in position to inspect the train as it pulls by."

The word "trainman" is singular. That rule does not require both sides of the train to be inspected as you were suggesting?

A Mr. Sinclair, we are operating in a rather peculiar territory as against other territories. The officers have seen fit to invoke other instructions, to supplement the instructions in the rule book.

Q You say that the officers have told you that you must inspect in the way you have described?

A I am not sure that I cannot get you files --

Q A bulletin?

A No, I will get you something better than that, Mr. Sinclair. I believe I can get you files where an engine crew and trainmen were disciplined, or at least cautioned but I think disciplined, where they did the inspection such as you have outlined and suggested.

Q Where the rear man walked up the whole train?

A No, they crossed over. That is a suggestion of yours.

Q That was my second suggestion. My first suggestion was to have the conductor and the rear trainman walk up.

A Your suggestion of walking up, of the conductor and the rear trainman walking up would comply with the requirement of inspecting both sides of the train, but I would say here that that was definitely setting up another hazard.

Q What hazard?

A I want to see the man in the caboose when I start to move and if there is

anything happened to them. There should be somebody in the cupola of the caboose. You may have an inexperienced engineman. When we are pulling out of a passing track everything is by estimate and we cannot see what is going on behind us because of the curvature and an inexperienced engineman might pull out a little too fast and not let the men get on. We have had that happen.

We want to see a man in the caboose at all times when that train is moving. I agree with the officers in Revelstoke that they are making a safe move when they do that. I do hope they don't change it.

Q Do you think that the conductor in the move you have described did not carry out this rule? Do you think he should be disciplined for not carrying out the rule?

A I think that the interpretation and the procedure there has met with the concurrence of the officers there and for that reason I don't think he should be disciplined. If he was doing wrong I am sure it would have been drawn to the conductor's attention long ago.

MR. LEWIS: There is always

difficulty in getting a witness to attempt to interpret a rule, may I say with great respect. I am certainly not an expert. I do not agree with my learned friend's suggestion with regard to this paragraph in the rule which reads:

> "Conductors and trainmen must know that cars in their train are in good order before starting and inspect them whenever they have an opportunity to do so."

Does that mean that the conductor and both trainmen must all be engaged in inspecting the train? I just want to say to my learned friend that I certainly do not prescribe to that interpretation as being necessarily correct.

MR. SINCLAIR: That is what the words say, and I say that with respect.

MR. LEWIS: No, they do not. I think if the conductor makes sure that the two trainmen inspect the train in the way in which the rule provides that the rule would have been fully complied with, and that you do not need every one of them participating necessarily in the action in order to comply with the rule.

THE CHAIRMAN: At the moment we are taking evidence.

MR. LEWIS: I appreciate that.

My difficulty is that these things are put to the witness who is not accustomed to interpreting language legally and a witness may get into a little difficulty. I just rose to my feet to say that.

THE CHAIRMAN: You have raised your point.

MR. SINCLAIR: All I can say is that even clear words seem to cause difficulty to my friend.

BY MR. SINCLAIR:

Q Also in Rule 111 there is another paragraph that you brought up. You said that you wanted a man on the tail end to make sure the rear-end trainman got aboard when you pulled out. That is the responsibility of everybody. The rule provides:

> "When starting freight trains' speed must be regulated to permit trainmen to entrain."

That is your responsibility?

A That is my responsibility, but the engineman can only do those things which are possible. Sometimes he will have a poor holding train. There are many factors that enter into it for which I or anybody else could not be blamed. The footing is very bad at times, there is deep snow, and sometimes

these poor unfortunate men have to wade through 18 inches of snow. As a safety measure I think the officers in Revelstoke should be commended for this safe practice and that is the practice we are now following.

Q When you are pulling west are you saying that you need two men up on the engine, as you are pulling west before you stop at the west switch, from the east switch to the west switch? Do you feel it would be unsafe to move that engine down there with only one man on the engine?

A It is quite possible that a hazard could attend it.

Q I ask you if you thought it would be unsafe?

A I think, yes, it would be unsafe to have only one man on the engine, yes.

Q To go from the east switch at Glenogle to the west switch at Glenogle when you are moving the train there, at what speed, between three and four miles an hour?

A Somewhere between three and six miles an hour. We are supposed to pull out and let them inspect.

Q Not more than that?

A Not more than that.

Q And you say you might be down as low as two or three miles an hour, or as high as six?

A Yes.

Q And your evidence is that it would be unsafe to move at that speed across that track without having two men on the engine?

A I think it is unsafe to have only one man on the engine at any time.

Q That is why you say that?

A That is why I say that.

Q Now, Mr. Hobbs --

A We have a piece of information that might be helpful to the Commission if you could let me clarify that last part.

Q Are you answering a question I put?

A Finishing it, yes.

Q I have not stopped a witness yet.

A We had an occasion where there was one man on an engine and a hazard did attend. Engineer Frank Martin was on a steam engine. The usual practice was for the fireman to get off and get the switch to allow the engine out on the main line. They were meeting a passenger train, old No. 2, it was not then the CANADIAN.

The fireman went up to the switch,

threw the switch, gave the signal to the engineer and the engineer came out. Instead of stopping in the usual way the engine continued on its way eastward and left the fireman standing at the switch.

That was one example I would like to give to this Commission, where there was a danger, where a hazard did attend. That engineer blacked out and went eastward on the eastbound main line and left the fireman all alone, on a steam engine.

Q On a steam engine. I think that is the one occasion I supplied to my friend and it is set out in one of the exhibits. The engine moved about a mile, is that right?

A I don't think anybody really knows how far the engine went at that time. I was speaking to the fireman a very short time ago and he was unable to tell me.

Q It was about a mile, that is what Martin said.

A Of course the man was blacked out.

Q He came to himself and stopped the engine and brought it back.

A Yes, but, Mr. Sinclair, I think he was gone 20 minutes.

Q He was not feeling very well when

this happened. He was a diabetic.

A I don't know; I know he passed out.

Q And he subsequently died?

A Yes, Frank Martin is now dead.

Q He subsequently died from insulin shock? That is right in the exhibit I gave to my friend.

THE CHAIRMAN: The witness may not know that. Are you asking him?

MR. SINCLAIR: Yes.

BY MR. SINCLAIR:

Q I am asking you that.

A I had no knowledge. All I know is Frank Martin is now dead.

Q Mr. Hobbs, you do know that at another time at Revelstoke a few years later Martin had another attack in the round-house at Revelstoke? It was all over the place. You remember that?

A So help me I can truthfully say I never did hear of that. At that time possibly I was up at Beavermouth or some other place and may not have heard.

Q In the light of that situation would you as an engineman say that anybody suffering from diabetes and under insulin treatment should not be allowed on an engine?

MR. LEWIS: Mr. Chairman, I object

to that. The witness is a member of the engineers' organization and that is the kind of question that puts him on the spot. I do not know how many people there may be who are diabetics. The answer to that question cannot be of any help to the Commission and it simply puts the witness on the spot. I do not think it should be put to him because I am sure my friend does not want to put him on the spot.

THE CHAIRMAN: Mr. Sinclair has put the question and cross-examination has ranged pretty widely throughout the proceedings. No one has been restricted. Do you think that an answer to this question, whether it is one thing or another, will assist us?

MR. SINCLAIR: I do, yes, sir.

THE CHAIRMAN: All right, what is the answer?

THE WITNESS: Not having any medical knowledge I am afraid I could not give you any information that would assist you, but anything that will make a man pass out on an engine, then I think that is a hazard, Mr. Sinclair.

BY MR. SINCLAIR:

Q You think that they should not be allowed on an engine when they are in that condition?

A Anything that would attend a hazard on the movement of trains should be eliminated.

---Recess.

---On resuming.

BY MR. SINCLAIR:

Q We were dealing with Exhibit 251, this sketch at Glenogle and, Mr. Hobbs, just to recollect this matter for you, you were westbound and you set up a move in which you were going to set off a bad order car here. Do you remember that?

A Yes.

Q And when you were setting off a bad order car seven cars behind the locomotive according to my note, if the three members of the train crew participated the signals could be relayed to the engineman? Is that right?

A I couldn't agree with that.

Q Isn't that what you said yesterday?

A It might be possible but it wouldn't be safe.

Q Did you say yesterday that if the three members of the train crew participated in the move a car seven cars back of the engine could be set off without using the fireman? Did you say that?

A I don't think I did. If I did, I said it in error, sir.

Q All right. You are saying that even with seven cars and using the conductor and the two trainmen you cannot set off the car. Is that what you are saying?

A Without giving signals to the left side of

the cab.

Q Oh, you are saying that if the head train man stays on the engine the move can be made by the other two members of the train crew?

A It might be possible.

Q Mr. Hobbs --

A It may be possible from this point of view, that if it was more than seven cars you may have gone around the other curve in that case. There is an "S" curve just west of Glenogle and for that reason you may run into trouble.

Q I am asking you how many cars could two men behind the engine and the head trainman staying on the engine -- how many cars back of the engine could they set off at Glenogle?

A Two men on the engine?

Q The head trainman stays on the engine and the conductor and the rear trainman work behind.

THE CHAIRMAN: I suppose what you are putting to the witness is that the head trainman stays on the engine in a position to receive signals on the left side if necessary.

MR. SINCLAIR: That is right.

BY MR. SINCLAIR:

Q How many cars could be set off?

A With two eyes in the engine on both sides of the engine it would be possible to set off, I think, about seven cars. Any more than that then I think you would have to have

more of a crew.

Q You have never gone into this, have you, Mr. Hobbs?

A We have never had to operate without two pairs of eyes on an engine.

Q Does the conductor generally come up and participate in these moves at Glenogle?

A If the usual practice is followed the trainmen would come up and if they found a car that was a bad order car and knew it should be set off in the interests of safety they would immediately proceed to set that car off. The conductor, hearing the engines doing switching, would start up from the caboose to supervise the switching, but generally there it is about finished by the time the conductor would have time to walk up.

Q All right. Then with the two trainmen working, in your experience at Glenogle how many cars could you set off, just/the two trainmen working in the move? You said the usual practice was for the conductor to come up but they were generally finished when he got up there.

THE CHAIRMAN: Mr. Sinclair, your question is not clear to me. Are you including in your question using or not using the fireman as a signal passer?

MR.SINCLAIR: I am using four men, the

engineman, the fireman and two trainmen.

BY MR. SINCLAIR:

Q With the four men working on the move, based on your experience at Glenogle, how many cars back of the engine can you set out a bad order car?

A I am not quite sure that I could answer that question completely and as fully as I would like to because there is a lot of factors enter into it. In wintertime the position is different than it is in summer because of excessive snow.

Q Give us winter first and summer second?

A I am afraid I cannot -- there is such a variation; in wintertime I don't think it should be attempted without having a full crew unless it was very close to the engine.

BY THE CHAIRMAN:

Q Does that mean that the conductor in wintertime always participates in the switching?

A I didn't hear you, sir.

Q Does that mean that in wintertime the conductor always participates in the switching?

A He generally comes up if there is too lengthy a cut or we would whistle him ahead.

Q That is really not what I asked you. I asked you if the conductor participates every time?

A No, I cannot say every time, sir.

Q We just want to get this clearly and I was

getting confused.

BY MR. SINCLAIR:

Q I am instructed, Mr. Hobbs, that with a bad order car around 25 cars back of the engine and with the head end trainman staying on the engine and the conductor and the rear trainman working behind the engine that that bad order car can be set off at Glenogle. Do you disagree with that?

A I could neither disagree nor concur because I haven't tried it with 25 cars. Therefore I am in no position to answer that question.

Q If it is necessary to make two cuts at Glenogle to get a bad order car there is no difficulty here because you have got the long passing track so called, the long siding -- it is called a passing track in Exhibit 251 -- and a back track in addition? You will agree with that?

A I don't fully understand you. I am sorry, I tried to follow you.

George Hobbs

Q If you wanted to make two or three cuts off the head end to get to the bad order car, you have got to place them down on the passing track to get to the bad order car that you are going to put into the back track?

A Yes, you can by chopping up the train and putting it back - you could do that but it would take considerably longer by doing it.

Q Now let us take Exhibit 252, Illecillewaet. Here as I recollect your evidence, you you said eastbound you sometimes set off the boarding cars, is that correct?

A No; there are boarding cars there generally, but generally they are on a way freight - I am through freight service.

Q The way freight service sets out boarding cars?

A Generally speaking.

Q Generally speaking, freight trains do not set out cars eastbound at Illecillewaet.

A I have set them out there with bad order cars.

Q Except bad orders car. So, here again it has to do with setting out of bad order cars where you think there would be difficulty if the fireman was removed, is that right?

A The difficulty would arise by having only one set of eyes in the engine. Give me

two sets of eyes and the thing is infinitely improved - it is the same as it is now.

Q Now, westbound at Illecillewaet, 252, is it your evidence to this Commission that the fireman has to be used as a signal passer at Illecillewaet westbound?

A I have on record here in my bag where a draw bar was pulled. I have copies of the 1409's and the interchange of correspondence between the dispatcher and conductor concerned, of where a draw bar was pulled in an overhanging load of poles; that would be a triple load, two loads with an idler in between the two. There was a dead head train crew on the train, and there was a dead head engine crew on that train, and in order to expedite the move they had to use all the extra men.

Q Now, would you answer my question, Mr. Hobbs, please?

A I am sorry, what is your question?

Q My question is: Is it your evidence to this Commission that westbound at Illecillewaet, in setting out cars the fireman is required as a signal passer?

A I think in the summer time it could be done with the engineer, but in the winter time I don't think it could be done.

Q In the winter time the head trainman would have to stay on the engine?

A We would have two pair of eyes on the engine at all times.

Q Have you given any consideration to the affect of the use of radio communication between van and the engine, and from the ground to the engine, or from the trainman to the engine?

A Under oath and testifying before this Commission, I would be unable to give them any information. Any information I have is hearsay. The information I have at hand is that they have had considerable trouble with radio where it is a mountainous terrain. I don't know whether that is true or not; that is the only thing I know. I have never examined it, I have never seen a radio in an engine, and I have never seen a radio in a caboose.

Q You were here when Mr. Kiley gave evidence, and you heard him say that he had his trains that travelled through mountains equipped with radio?

A No, I was not here when Mr. Kiley gave evidence.

Q You were here when Mr. Bybee gave evidence - he was from Quebec North Shore?

A Yes.

Q And you heard him say he had radio?

A He has not the mountainous territory that we have.

Q You think the mountains are entirely different to any other place in the world, do you?

A I am unable to say anything about other

railways which I have not examined and have never worked on.

Q It is a fact that you don't know anything about radio?

A That is true; it is in the mystery department.

Q In giving your evidence of these moves, have you given any consideration to dual controls on these engines?

A We have dual controls now on some of our locomotives, but the procedure that has to be followed, if we had two A's back to back to make it as tidy as possible, the procedure is so clumsy that it is unworkable. It is unworkable because of the work involved of going in and changing ends; you could may be move three car lengths and, possibly you would have to change ends again so that you could receive a signal when you went into the dog's leg, if you know what I mean.

Q Have you ever tried it?

A No.

Q Now Mr. Hobbs, you gave some evidence on another aspect that had to do with mechanical matters; I wish to ask you a few questions about that. When you have been running on diesels in recent months, how many alarms have you had?

A Not having counted them, I could not say.

Q Say in the four-month period, when you were running diesels, which was July, August, September

and October of last year, was it not?

A Yes, I was so employed.

Q How many alarms do you think you would have in that four-month period?

A I wouldn't give it an estimate even.

Q If you had an alarm you would record it, in accordance with instructions?

A No.

Q You would not record it in accordance with instructions?

A No.

Q If you had a ground relay, would you record it?

A Sometimes there were cards provided with a little form; if they were on the engine I would give it --

Q No, not in those days - I am talking about September and October of last year; there were no little cards then. You would record a ground relay if you had it?

A I don't think with one ground relay I would.

Q Is that not an irregularity?

A I don't think so.

Q You say you don't think so. Would you think a backward transition was an irregularity?

A No. When we started having trouble with that item we did book them, and each time we came in we discussed it with the mechanics who said there was really nothing

wrong with the mechanism, it was a little sticky and sometimes it would make and sometimes it would not.

Q You would not count that as an irregularity that should be put on the form MP74?

A If it continued to be stubborn and not making a transition even 25 per cent of the time, I certainly would book it then.

Q Now Mr. Hobbs, you know that form is there for you to fill in so that the shop staff can know of any irregularity over the territory, and you are required by that form to book them - that is Exhibit 131 in these proceedings, as I recollect it, Form MP 74.

A I am familiar with it.

Q You do not agree that you are required to record any ground relay or backward transition or anything like that, that occurs?

A Not unless it persists.

Q Who told you that, Mr. Hobbs?

A That is the general understanding.

Q Mr. Hobbs you have been told that if a ground relay occurred it had to go on that form, have you not?

A I don't think so.

Q And for a long time they had special forms?

A That is correct.

Q And that was before they had the MP 74 on the engines?

A I couldn't be sure of that.

Q And when you had these special forms were you told over and over again that every ground relay had to be put on the form?

A I wouldn't say over and over again, no.

Q But you were told?

A I believe we were.

Q I have checked the records for the four months I have given you, and you only recorded one alarm, one ground relay on September 25 on engine 8503. That is the only alarm you have recorded.

THE CHAIRMAN: What is your question?

BY MR. SINCLAIR:

Q Mr. Hobbs, I am asking you if you agree with that? Is that your recollection?

A No.

Q Your recollection is that you have recorded more than that?

A Yes.

Q How many more?

A I am not in a position to say, but I am sure that from my recollection - and it is only from my recollection - I booked infinitely more than that.

Q How many alarms have you recorded since the first of this year on MP74's?

A I don't know.

Q The firemen's organization sent out a notice to all firemen to be sure and load up the MP74's with every occurrence. You have read that.

MR. LEWIS: Where does my friend get that, Mr. Chairman?

THE CHAIRMAN: I suppose his language is not restrained. What you mean, Mr. Sinclair, or what you are asking the witness is whether he knows of any instructions from the firemen's organisation to record all the instances on the MP74.

MR. SINCLAIR: To record every instance they could think of on the MP 74.

BY THE CHAIRMAN:

Q What do you say, Mr. Hobbs?

A In an endeavour to answer Mr. Sinclair's question, I find it very difficult because he used the word "load", and that gives a poor intent. I think the suggestion that instructions went out to load those things is absolutely wrong.

Q I rephrase the question, and if Mr. Sinclair will adopt it perhaps you would answer it.

MR. SINCLAIR: Yes, Mr.Chairman.

BY MR. SINCLAIR:

Q Instructions were sent out by the firemen's organization to be sure to enter upon the MP74 every possible occurrence on every trip. You knew about that?

A No.

Q What did they tell you then that you know about? In view of your answers you know about something: What was said? Are you cavilling a word?

THE CHAIRMAN: You have asked him two questions there.

BY MR. SINCLAIR:

Q What do you know concerning these instructions by the firemen's union?

A I have never examined any instructions from the firemen's union; I have never seen anything in writing.

Q What do you know about it? What have you heard about it from the firemen that you have been talking to?

A I am afraid I am at a loss to be able to answer that question because I know very little of it. I have seen the forms, yes.

Q You have seen some such forms?

A The one that you yourself drew to the attention of the Commission.

Q And did not that form say -- you have read it -- be sure to put on the MP74's every occurrence, or something of that nature?

A I can't say that it said that.

Q In any event, Mr. Hobbs, I would like you to say to this Commission how many alarms you have had since the beginning of the year?

THE CHAIRMAN: You asked him that

question quite some time ago, and he said he could not remember.

BY MR. SINCLAIR:

Q You came down here in March, did you not?

A Yes.

Q In the month of February how many alarms did you have?

A I haven't a card index file in my head, and it would be hard --

Q Would it be 10?

A It would be difficult for me to answer that question.

Q Would it be five? Would it be less than five? You have some recollection.

A I have a recollection of trouble before I came down here.

Q In the Mountains, in the month of February, how many?

A I am quite unable to answer.

Q Would it be less than five?

A In my diligence to be truthful I cannot say.

Q You have some very good recollections about some other matters, Mr. Hobbs. For instance, about this man Martin you talked about yesterday who had an unfortunate injury at Kamloops. You remember your evidence about him?

A Injury where, sir?

Q I am sorry, at Glacier. The evidence you gave about the injury to Trainman Martin at Glacier, your recollection of that was based on a statement you had?

MR. LEWIS: As a matter of fact, if my learned friend will recall, I read into the record a paragraph from the fireman's statement. The witness hardly gave any evidence about it at all, if my recollection is right.

MR. SINCLAIR: If he had done that, I would not have questioned him about it, but he went on after you read it and said something about it, if it had not been for the fireman, he said, this injury would have been greater than it was. That is as I recollect his testimony; I have not checked the transcript. Don't you remember saying that, Mr. Hobbs?

MR. LEWIS: He said something like that.

MR. SINCLAIR: We are not going to fight about a word that was the purport of your testimony, correct?

THE WITNESS: I hope we will

never fight, Mr. Sinclair.

BY MR. SINCLAIR:

Q Differ, that is what I meant by that. That was the purport of your testimony about the injury suffered by Trainman Martin at Glacier?

A From the questioning of those involved, that was the impression that I got.

Q Were you told whether Martin rolled clear himself before the train was stopped?

A There may have been some conflicting evidence there, I do not know. I only saw the fireman's statement.

Q I thought you questioned some people?

A Yes, I questioned them.

Q When did you question them?

A I believe just a short time before I came down here.

THE CHAIRMAN: A short time before you came down here?

MR. SINCLAIR: Yes, a short time before he came down here.

BY MR. SINCLAIR:

Q Did they tell you -- what did they tell you about Martin's position before the train stopped?

A All I know is Martin's body, when he fell, he fell in between the platform and the running gear of the diesel engine.

Q Did he throw himself clear before the train

stopped, is what I asked; did they tell you that?

A No.

Q Did they tell you that he was between the platform and the running gear of the train, when he was on the ground?

A That was my understanding.

Q Did they tell you that?

A That was the understanding that I got from what I was told.

Q But you do not know whether he threw himself out of there before the train stopped?

A I do not think he was in a condition to throw himself anywhere.

Q You do not know, I asked; they did not tell you that?

A I think he was dragged out to the end of the platform and that is where he freed himself or he was thrown clear.

Q Now, Mr. Hobbs, your recollection is getting a little closer to my instructions. Did he not hold on to the side until he cleared the platform or was catapulted after he had passed the platform and at no time was he between the running gear and the platform; isn't that what they told you?

A I cannot understand what you mean by catapulted.

Q Well, turned over and over, rolled; isn't that what they told you?

A Possibly the momentum might have rolled him.

Q Isn't that what they told you?

A No.

Q Did they tell you that he was between the platform and the running gear on the ground?

A When he first fell, that is the position he got into.

Q Did they not tell you that he was beyond the platform when he went on the ground?

A No.

Q Did you ask them?

A The general conversation, in my getting the details of the thing, I would say that he got off, he attempted to get off on the platform.

THE CHAIRMAN: Do you think you can usefully pursue this incident further?

MR. SINCLAIR: No, I just think this witness has not told the Commission all about this.

THE CHAIRMAN: I am not arguing about that --

THE WITNESS: I am afraid I am not in a position to tell everything because I do not know.

THE CHAIRMAN: There is no question being asked at the moment, Mr. Hobbs.

MR. SINCLAIR: Very well.

BY MR. SINCLAIR:

Q Then, you told about another incident, about

some children, early last year, in Kamloops. Do you remember the date of that? It was early last year, but do you remember the month?

A I am afraid I cannot give you the date, sir.

Q What month, I do not mean the date?

A I think the fireman and I -- I asked him did he have the date when I was unable to locate it, and he gave me a date in January but I questioned that because I thought it was farther back.

Q January, 1956?

A Yes.

Q That is what the fireman told you?

A Yes.

Q You thought it was maybe in December of 1955?

A It might be a little earlier than that.

Q But it would not be later than 1955?

A To the best of my knowledge, yes; yes, I think we would say that.

Q On that occasion you say some children climbed under the train when you were stopped at Kamloops; is that right?

A That is right.

Q How many cars were they back of the engine, approximately, do you remember?

A I would say somewhere between ten and fifteen cars, perhaps twelve cars.

Q They were quite a piece into the yard?

A That is right.

Q If they had come from the opposite side, that is, the right side, would you have seen them?

A If they had come from --

Q From the right side, if they had gone under the train from the right-hand side -- they went under the train from the left-hand side according to your evidence -- if they had gone under the train from the right side, would you have seen them?

A I might, because I always look back before I start to move.

Q Did you start your bell when you were getting ready to move on that occasion?

A Oh, yes, and gave a little toot on the whistle.

Q You gave a little toot on the whistle?

A Yes.

Q And in spite of that the children went under the train?

A I think they were too young, sir, too young to realize the danger involved.

Q These were little children?

A I would say, Mr. Sinclair, the oldest would not be any more than five.

Q And the youngest would be three?

A I would say the three of them were somewhere between three and five years of age.

Q Now, one of the mechanical matters you dealt with was backward transition. You said on those occasions when it was on the lead unit it could be looked after in the cab without difficulty. If it was on a trailing unit, the way you would do it was to reduce your throttle from eight to five and send the fireman back, get a highball from him with the flashlight and he would first take it off the line, that is, first put the engine to idle, and then he would snap it on again and you went out to throttle eight position?

A Yes.

Q So he would, in the flick of an instant, move that engine from idle to eight?

A From idle to eight, yes, that is it.

Q Now, Mr. Hobbs, are you suggesting that is the way you are handling contactors falling out on backward transition on the Revelstoke Division?

A That is the only method we have --

Q Are you doing it, is what I am asking --

THE CHAIRMAN: He has said yes, he did it.

BY MR. SINCLAIR:

Q You know enough about mechanical matters to realize, Mr. Hobbs, in doing that, that you are putting a tremendous stress and strain on both the diesel engine and its

electrical apparatus, in taking that from idle to eight in an instant like that?

A That would be so if they had defective governors, but there is a governor there that will look after that; that is my understanding.

Q That is what you are told?

A That is what I was told.

Q By whom?

A The diesel instructors that came first, the men that came with the diesel engines, not the Road Foreman of Engines but the man that came with the diesel engines from the manufacturers. They showed me that method

a and I have followed it since and I found it works satisfactorily and I have not had

H-2 anybody criticize me for it.

Q You have not?

A No.

Q Do you drive an automobile?

A Yes.

Q Do you think it is different in regard to going into third gear and putting your foot right down on the throttle and then turning the switch?

A There is no governor on an automobile.

Q You say that is the difference?

A That is the difference, yes.

Q Have you never been told that the way to

handle that is to reduce your throttle to idle and then widen on her through the various slots up into eight? You have never been told that is the way to handle backward transition trouble?

A I was thinking that might be an answer.

THE CHAIRMAN: No, that is not what you are asked. You are asked if you have ever been told that?

THE WITNESS: I am sorry.

THE CHAIRMAN: I think we would get along faster if you would just answer the questions. If you want to make any explanation after, then I think we will go along faster.

THE WITNESS: Could I have the question again, Mr. Sinclair?

BY MR. SINCLAIR:

Q Have you ever been told if you had trouble with backward transition the way to handle it was to reduce your throttle to idle, then widen on her up to eight, two, four, six, whatever you want to do gradually up to eight?

A I have never been told that. I have tried it.

Q Does it work?

A No.

Q It does not work?

A From the engine point of view, but from the train handling you cannot do that.

Q You cannot do that?

A No, because of the slack action.

Q Mr. Hobbs, you swear to this Commission that you cannot reduce your throttle to idle and open it out again and properly control your train?

A No, I cannot properly handle that train. I would have to qualify my no so the Commission would understand. When the transition, the lower transition is required, it would be always on the foot or starting up a heavy pull, and if I were to try to put it to idle, let the slack adjust itself, then start to progressively open the throttle, great care would have to be exercised there was sufficient time for the slack to stretch, by that time the train would have stalled.

Q That is what happened to you?

A No, it did not happen to me.

Q When you tried it what happened?

A I tried it and I gave what I considered sufficient time for the slack to adjust itself but the complaint from the caboose was that it was very rough so I decided not to do it again.

Q Maybe somebody could instruct you how to do it; do you think they could, Mr. Hobbs?

A I am always willing to learn.

Q Your answer about the governor -- I want to be fair with you, Mr. Hobbs -- the effect of the governor, do you want to check that and perhaps change your answer a little when you say that the governor would protect you when you flicked the switch from idle to 8?

A I have never seen a drawing for a governor nor I have never seen the inside of a governor and I am unable to go into detail.

Q Now, with respect to another matter that you said sometimes caused you difficulty, and I refer to clogged filters. You remember your evidence on that?

A Yes.

Q You said it was the practice as far as you were concerned to send the fireman back, if it was on a trailing unit, and take out the filters; is that right?

A According to the circumstances.

Q I do not know what that means. What do you mean? You did not say that yesterday. What do you mean by that, according to the circumstances? What do you mean? If it is a road switcher behind that you would not do it in motion, but you would stop?

A We cannot do it now on a road switcher.

Q But if it was not a road switcher you would send him back, if it was a car body unit?

A If I could continue, yes.

Q If you could continue?

A Yes.

Q If you could not continue, of course, you would stop and you would go back and do it, would you?

A The fireman and I generally did it together unless the train was on a steep grade. Then I won't leave the cab.

Q Not even with your brakes up?

A I have had the experience of slack running in or slack running out and I don't think it is a good idea; it is a good safe practice to follow of one man up in the cab of an engine at all times while standing on a grade.

Q On each of those units and close at hand is an emergency brake if you start to move, is there not?

A I think nearly them all now has an emergency brake, yes; they didn't, but I think they all have now.

Q That could be used if you started to move, could it not?

A That again sets up a hazard.

Q I am asking you if you could stop the train?

A You could stop the train, but you would put the train in emergency while she was moving slow and the slack action throughout the train would be very severe and for that reason you would be setting up another hazard.

Q So that you say that you will never leave the cab on a grade?

A No, I would not say that. I said it is always a very good principle to follow to have one man in the cab at all times while the engine is on a grade.

Q Now then, this filter, the fireman goes back and fixes it and he has to shut the engine down to fix the filter, to remove the filter, does he not?

A That is right.

Q How long do you think it would take him to do that, that is by the time he went back, shut the engine off, removed the filter, put the engine back on again; how long do you think it would take him to do that?

A Ten to fifteen minutes.

Q Ten to fifteen minutes, so that the fireman when doing this work would be removing that unit from power to pull your train for ten to fifteen minutes?

A That is right.

Q Mr. Hobbs, when you stop on a grade in the mountains no matter what you stop for is not the first thing the train crew do is to tie down the brakes, the hand-brakes immediately?

A No, not immediately. If the train runs into emergency, yes, but I might stop for a board or a signal, I should say to make it clear. If I stopped for a signal, stopped for a proceed signal, they have no way of knowing what I have stopped for and they wouldn't tie it down.

Q If you wanted to leave the cab you have a signal to tell them to tie down the brakes, have you not?

A I can call for hand-brakes, yes.

Q And immediately the conductor will see that the hand-brakes are tied down?

A I have never had that occasion, but it could operate.

Q There was one other mechanical matter dealt with and that was the reverse current relay. That has to do with battery charging, has it not?

A That is it.

Q How do you think, how long do you think you could run a diesel with the battery not charging?

A I am not in position with that information.

Q You have an automobile and the fact that you are getting a reverse current relay is the same as your battery not charging, showing a negative charge on your car; it is exactly the same thing, is it not?

A Yes.

Q You have had that happen on your car?

A What happen on my car?

Q That your battery was not charging, that the generator was not charging up your battery and the needle was showing minus when it should have been showing plus. Did that ever happen to you on your car?

A The last car I have, I have no needle on it.

THE CHAIRMAN: Witness, you were asked whether you had had that experience.

THE WITNESS: No, I have not.

THE CHAIRMAN: That is the answer. We are wasting a lot of time.

BY MR. SINCLAIR:

Q Well now, Mr. Hobbs, when you get a reverse current relay which is not functioning properly, do you say that that requires immediate action by someone?

A Immediate action would be desirable.

Q I asked you if it required immediate

action. Would you please try to answer these questions? We would like to get along.

A Not immediately.

Q It could be left until you got to the next stop?

THE CHAIRMAN: He said it does not need it immediately.

THE WITNESS: I don't know.

BY MR. SINCLAIR:

Q Now, you gave some evidence yesterday about what you had done when you were a fireman. You had an incident on a 3652 when you were a fireman. The engineman was Engineer Obenchain, and the engine was No. 3652. Do you remember that incident?

A Yes.

Q That was the time you stripped the tender of coal between Kamloops and Notch Hill, was it not?

A That would be in 1928, which is now 29 years ago. My memory whether I stripped the tender or not, I could not say.

Q You remember that well, don't you, that you ran out of coal at Notch Hill, which is 50 miles from Kamloops?

A There was always coal at Notch Hill at that time.

Q But you did not get there before you were short of coal. Don't you remember that?

A No, I don't think that is right.

Q You do not?

A No.

Q What were the facts as you remember them?

A The facts as I remember them is that it was just a very short time after I had been set up firing and I was called for a section of passenger train. I was a young fireman, a little bit ambitious, and I put in too much coal into it. I didn't just know what I was doing.

Q How much time were you on the deck of that passenger train that time from Kamloops to Notch Hill?

A I wouldn't care to estimate it.

Q You were there all the time, were you not, Mr. Hobbs?

A As far as I am concerned I could not truthfully answer that question. It is 29 years ago.

Q You don't remember this incident well?

A I remember the incident, yes.

Q Were not you down there slugging in the coal as hard as you could go right from the time you started until

you stopped at Notch Hill?

A I don't think that would be right to say that.

Q Did you maintain a lookout all the length of that trip as the eyes of the engineer as you went across the road with that N-2?

A On that particular trip that you speak of I was a very young and inexperienced fireman. I knew the rules off by heart or almost so but I didn't know what their intent or application meant at all. I was a very green, young fireman. I didn't really know what was going on but I was doing my best.

THE CHAIRMAN: You were just asked if you kept a lookout. That is all. Would you answer that?

BY MR. SINCLAIR:

Q Will you answer that?

A I am sorry, I got mixed up.

Q The question was, did you keep a lookout on that occasion?

A I don't think so.

Q Now you gave some evidence, you said you had very little experience with stoker engines, but that you had a lot of experience as a fireman with oil burners; is that correct?

A That is correct.

Q And the engines you were on firing, and you gave quite a list of them, were 5900's, 5400's, 5700's, 3600's, 5100's and 2700's. None of those have oil temperature gauges, have they, Mr.Hobbs; none of those engines?

A Some of them did, just a few.

Q None of those I mentioned had an oil temperature gauge? No 5900 had, had it?

A I think there were just a few fitted with them.

Q You think of all the engines, those oil burners, that there was just a few that had oil temperature gauges?

A That is my knowledge, yes.

Q And it was part of the work of the fireman to make sure his oil did not boil over?

A That is right.

Q As a matter of fact, I think you said in answer to my friend that you got disciplined twice for letting it boil over?

A That is right.

Q To keep the oil from boiling over the fireman had to get down on the deck and feel the tank where there was no oil temperature gauge?

A That is so.

Q On the 5900 you used to have to climb right out of the cab to put your hand on the tank?

A That is right.

Q That was the usual practice as you went over the road to make sure your oil did not boil over, to get out there and put your hand on the tank?

A The usual practice was to heat the oil up on the shop track and then climb out there periodically. In the summer-time it wasn't necessary at all, but in the winter-time you climbed up when your engine stopped or when you went back to take water, you felt the tank.

Q You also did it as you went over the road if you were at all concerned about your oil temperature? That is what was expected, was it not, Mr. Hobbs?

A I cannot say that it was, as long as we kept the oil at the proper temperature or near the proper temperature and didn't let it boil over.

Q You say that the fireman did that on oil burners?

A Occasionally.

Q That would take them off the deck, off the seat?

A Momentarily.

Q This fireman's job on steam power was

not just as easy as you made it appear. They had quite a few things to which they had to pay attention. There were the gauges, the temperature of the oil, the amount of oil being used, the way it was burning, whether the flues were getting fouled up; all those matters were things the fireman had to do?

A He could observe them right from his seat.

Q He had to do them though, didn't he? They required his attention?

A Yes, that was part of his duty.

Q He had to watch to make sure he had enough water?

A That is right.

Q I think on the Arrowhead you had difficulty one time when the fireman didn't watch his water and you ran out of water?

A That wasn't the fireman's responsibility, that was the responsibility of the engineer and I was the engineer.

Q That responsibility wasn't the fireman's?

A I was responsible to see there was sufficient water.

Q But it is the primary duty of the fireman to see there is enough water to fire the boiler in order to give you power? That was what he was there for, wasn't he?

--

A I think I would have to say no. The engineer was always held responsible for taking or not taking water.

Q The fireman was to call it to his attention, wasn't he, Mr. Hobbs?

A I couldn't say that he was.

Q All right, Mr. Hobbs. There is one other matter I wish to ask you about. You have talked about train separations or what you call break in twos?

A That is right.

Q And in regard to break in twos due to drawbar failures you will agree that those on many occasions are caused by poor train handling by the engineman?

A I think the word "many" would be wrong. You couldn't describe it that way, not from our experience now.

Q Well, train handling by the engineman does account for drawbar failures?

A For a very small fraction of the drawbars that are now being pulled.

Q Well, as a matter of fact, Mr. Hobbs, you know from your work for the union and as an engineman that when they have drawbar failures there is an investigation and lots of times the engineman is right at the investigation and a statement is taken from him as to why he handled the train the way he did. Is that so?

A I haven't had that experience lately.

Q You haven't had that experience lately?

A No.

Q What do you mean by that, that you haven't had a drawbar lately?

A Yes, I have.

Q And they didn't bother coming to get any statement from you?

A No.

Q They didn't come and get a statement from you?

A No.

Q Was it more than a 60 per cent flaw, do you know? Was it a metal flaw?

A The last one I got I think was a 100 per cent perfect drawbar.

Q Mechanically?

A Yes, sir. I am only going by what I was told. I didn't go back to examine it.

Q How many drawbars have you had since the first of the year?

A May I refer to a notebook I have here? I might have it in there.

Q Well, approximately?

A I think I pulled two, Mr. Sinclair.

Q And how many did you have in the last six months of last year?

A I don't know. I couldn't truthfully say.

Q Approximately? You don't have to be correct to one.

A All I can do is hazard a guess -- three

or four.

Q You know, Mr. Hobbs, that there are enginemen at Revelstoke who have gone through their entire careers without getting a drawbar, don't you?

A That I am sure used to be possible but handling heavy freight trains with multiple diesel units now I don't think that they could be that fortunate now.

Q You don't? As a matter of fact, Mr. Hobbs, the officers are constantly working with the enginemen, especially men from steam who have picked up steam practices, to get them to handle these diesels the way they should be handled so as not to get drawbars? Isn't that so?

A No. I imagine the officers are greatly concerned and they should be because we have been getting a considerable number of drawbars, but --

Q Well now, Mr. Hobbs -- sorry.

A But most of the drawbars we have had experience with is either in lifting trains where the maximum effort would have to be utilized or afterwards when we were going up a grade things happen now that never happened in steam. We will pull a drawbar clean out without any slip at all. The drawbar just seemed to come out.

Q Mr. Hobbs, you know that the company put

a dynamometer car in there and made tests and demonstrated to enginemen the maximum lift on these various grades? You know that?

A I know the dynamometer car was there but I didn't have any experience with it.

Q You didn't happen to be on it. As a matter of fact, on one of your trips you made, this round trip you referred to, didn't the road foreman give you some instruction about train handling on one of these trips?

A The road foreman came up and made some remark after I had arrived in Revelstoke. It varied -- he gave me some information that at times the lift was a little too fast on the tail end but it didn't jibe with what I had asked. I had asked the tail end crew -- I always do -- how was the train riding and I try to adjust myself to handle it different if it isn't riding well.

Q The road foreman told you you should not have handled the train the way you did and he was instructing you on that matter on this trip?

A No, he didn't give me any instruction. He just drew to my attention that some of the lifts on downhill were a little too fast.

Q Well then, there is one other mechanical matter that you spoke of and that was engines starving for fuel. I am sorry, Mr. Chairman, but this is the last point.

THE CHAIRMAN: Engines what?

MR. SINCLAIR: Starving for fuel.

THE WITNESS: That was in connection with the plugged filters.

BY MR. SINCLAIR:

Q And when an engine starves for fuel immediately the ammeter on the engine that you are looking at moves, jumps ahead, doesn't it, because a bigger load is put on your unit?

A If you are on any kind of grade your movement will begin to slow down according to the grade you are on.

Q And you would notice that from the engine?

A Yes.

Q And you can tell which unit is causing the trouble, can you not, Mr. Hobbs, from your seat in the engine?

A No.

Q You never noticed the effect on the diesel stack when you have an engine what they sometimes call hunting or starving for fuel? You have never noticed that or been told about that?

A It is possible you could notice some irregularity in daytime but at nighttime you certainly couldn't.

Q At nighttime when an engine is hunting and starving for fuel are you suggesting you cannot see the spark action at night off the stack?

A I don't think so.

Q Have you tried?

A I have.

Q And you say you cannot see it?

A I said I don't think you can.

Q You have tried to look and see that? Why did you do that? Did somebody tell you to do it?

A No, I felt the train slow down and looked back and there was something the matter back there and in that case I would send the fireman back.

Q Oh well, what you say is you didn't immediately notice it by just taking a quick look at the stack. Is that what you are telling the Commission? I want to be fair with your answer because this is important.

A I think that is my answer, yes.

THE CHAIRMAN: Any re-examination?

MR. LEWIS: I have just two very short questions, Mr. Chairman. There is one that perhaps may clear up a little confusion.

BY MR. LEWIS:

Q Mr. Hobbs, the Commission has had defined to it a symbol train as a train which runs under a schedule set out in the time card. That would be roughly the definition of a symbol train, and in discussing some of the exhibits you did not seem to quite agree with Mr. Sinclair about that.

Assume for the moment that is the definition of a symbol train because I think that is what the members of the Commission have in their minds. A symbol train is a train you will find in the time card and for which a schedule is provided in the time card. What in your experience has been the difference, if any, between that kind of symbol train and your fourth class or extra train?

A I have, Mr. Lewis, on many, many occasions -- as a matter of fact, it is done, I suppose, almost all the time. Sometimes you will have a drag of empties on a schedule of a symbol train, a third-class train, and perhaps ahead of it would be an extra which would be entirely a symbol train. In other words, the third-class and second-class trains shown in the time card may not be symbol trains at all. In other words, they may be fourth-class trains and extra trains which will have merchandise trains with all hot stuff on it.

Q Mr. Hobbs, I am interested in getting the transcript clear. That is why I am asking you the question. I got the impression when you were answering Mr. Sinclair that you had in your mind a definition of a symbol train as being a train that carried merchandise and the drag if it carried empties you would

not think of as a symbol train, that kind of definition. Am I right?

A That is right.

Q I am saying to you that is not the definition this Commission has been given and which, if I am right, is in the minds of the members of the Commission. Roughly speaking, a symbol train is a time card train. I understand there are some exceptions but roughly speaking a symbol train is a train you find in the time card. That is what the Commission has been told and it is not related to the contents of the train.

MR. SINCLAIR: Other than fourth class.

MR. LEWIS: Other than fourth class which even though it might be in the time card would not be included in the symbol train definition.

BY MR. LEWIS:

Q With that in mind and very briefly, because I think we ought to end this examination and give everybody a chance to eat, with that in mind, that a symbol train refers to the time card and not to the contents, Mr. Hobbs, what is in your mind that made it impossible for you to answer Mr. Sinclair's questions on that basis?

A My experience is that often on these time card schedules what now appear here as

symbol trains are really only drags, empties, and my experience too is that I have had extra trains and fourth-class trains, time card trains, which would be really symbol trains.

Q That is your point. You say that really what you mean is that they would not be empties, they would be carrying revenue merchandise or maybe O.C.S. merchandise?

A No, just revenue merchandise.

Q That is what you have in your mind when you refer to a symbol train?

A That is right.

Q One final question. As a member of the Brotherhood of Locomotive Engineers, and arising out of some questions you were asked, do you know whether engineers are paid a Mountain differential?

A They are.

Q And are engineers paid a Valley differential?

A They are.

Q And do you know whether any agreement was recently reached in 1956 between the Brotherhood of Locomotive Engineers and the C.P.R. and whether it included or excluded the Mountain or Valley differential?

A My understanding is that it did.

Q Did what?

A It included an increase in the Valley and Mountain differential recently --

Q I didn't ask you about an increase. I asked you whether it included Mountain and Valley differentials?

A Yes, it did.

Q Do you know whether there was any change made? If you are not sure, just say so.

A I am not sure.

MR. SINCLAIR: Arising out of that, I have one question to ask, Mr. Chairman.

BY MR. SINCLAIR:

Q Do you know whether in negotiations, because of the matter being in issue in the firemen's dispute, that the matter of the enginemen's contract was laid over?

A I am not aware of it.

THE CHAIRMAN: We will adjourn now until 2.10.

-- The Commission adjourned at 12.35 until 2.10 p.m.

Tuesday,
June 11, 1957

AFTERNOON SESSION

MR. LEWIS: My next witness, Mr.Chairman, will be Hans Imhof.

HANS IMHOF, Called

BY MR. LEWIS:

Q Mr. Imhof, your home now is in London, England?

A Yes.

Q And you are originally from Switzerland?

A Yes.

Q You are now the Secretary of the railway section of the International Transport Workers Federation?

A Yes.

Q You have held this post since September of last year?

A Yes.

Q Mr. Imhof, may I say to you before I go further, if you have any difficulty understanding any questions I ask you or Mr. Sinclair asks you, or questions asked by any members of the Commission, do not hesitate to say so and we will repeat them.

A I think if you speak slowly and clearly I can very easily understand.

Q What experience in railway work have you had, Mr. Imhof?

A I worked in the Swiss Federal Railways for 12 years, 1922 to 1934.

Q What was your work on the Swiss Fēderal Railways?

A I was a station agent, I would say. After a training of three years you become a station agent, doing everything in the operation of stations?

Q The German name for that, if I translate it correctly with my limited knowledge of German would be "station officer"?

A That is it.

Q From the description you gave me of the work you did, you were a station agent and an operator?

A Yes.

Q You operated the telegraph?

A The telegraph switch.

Q And you were the dispatcher?

A Yes.

Q Dispatching trains according to instructions?

A Yes.

Q But you were never an operating person - you were never on an engine or on a train?

A No.

Q Your experience was not in that line?

A No.

Q In order to make very clear the basis from which you will give evidence, Mr. Imhof,

I will ask you, do you claim to be an expert on railway operations?

A No, I am not; I do not claim to be an expert.

Q What did I ask you to give evidence to the Commission about? On what basis will you be speaking?

A I think I will be speaking about the duty I have today, that is to improve the working conditions for the railway man, and to co-ordinate actions to improve working condition.

Q Would you tell the Commission how many countries are included in the various railway organizations, trade union organizations, affiliated with your federation?

A We have in the International Transport Workers Federation seven sections; one of them is the railway men's section. In the railway men's section we have about three million members affiliated in about 50 countries of the free world. It is by far the largest section of the ITF.

Q And the letters I.T.F. stand for International Transport Workers Federation?

A Yes.

Q Now then, did your organization attempt to make a survey on the question of one-man driver of diesel engines?

A Yes, sir, we made a survey, we spent a lot of time on one-man driving since 1930, but the last we made was about one-man driving of diesel-electric locomotives just last year.

Q And were you told, Mr. Imhof, if you will permit me, Mr. Chairman, just to shorten this up -- we have been told by witnesses that in some countries, like the Netherlands and Switzerland, one-man operation of an engine is the rule, is that right?

A Yes.

Q Are there any exceptions in Switzerland?

A Oh, yes, there are many exceptions in the Reglement of 1943.

Q When you said "Reglement", you meant regulations?

A Yes, the regulations of 1943.

Q You consult your papers, Mr. Imhof, if you wish.

A In our survey -- I think I have got it translated, just a moment. In general, electric locomotives, motor coaches and rail cars fitted with a deadman service

(dispositif de securite) are operated by one man. They must be operated by two men:

(a) in the case of either passenger trains, unaccompanied trains (i.e. trains without a complete train crew) or engines running light; when they are scheduled to run more than 40 km. without a booked stop;

(b) between midnight and 0.600 hours when the train arrives at its destination after 0.100 hours or starts its journey before 04.00 hours;

(c) after 23.00 hours in the case of long distance goods trains on which the locomotive crew has finished its turn of duty, if duration of work exceeds a period of eight hours and when the train arrives at its destination after midnight.

That is the regulation. There are exceptions from it, but that is the basic regulation.

Q In Switzerland, are the engines electric or diesel?

A They are electric. There are very few diesels, perhaps ten diesel engines.

Q I suppose electric power is your cheapest form of power in Switzerland?

A That is the only raw material of Switzerland.

Q Now, Mr. Imhof, these regulations that you have just read from in 1943, did anything happen in Switzerland which caused this change that you have just read?

A I think so. We had a very bad accident in 1942, I think it was in Tuescherz. After that accident we had a very strong feeling all over the country against one-man driving.

Q What was the nature of the accident, briefly?

A Well, the driver was unconcious, but he did not leave the deadman pedal, he remained on it so the train ran through the station into another train. After that accident the rules were changed and all these exceptions for night trains, because this was a night train, in Tuescherz, came out.

THE CHAIRMAN: Mr. Lewis, have you a copy of what the witness read from?

MR. LEWIS: I have not, sir. I can undertake to supply that.

THE CHAIRMAN: It would be nice to have it to follow, that is all.

MR. LEWIS: I will give a copy exactly as the witness puts it in.

BY MR. LEWIS:

Q How about a country like -- let us start with Great Britain?

A We have not got much information about Great Britain, although the unions of Great Britain asked for the survey because there

is very strong feeling against one-man driving in Great Britain. They asked us to make surveys like this, but they did not state their position.

The last time we had a committee meeting, it was in February of this year, they said, as a principle, there should be two men on an engine and only in certain exceptions there could be one man. That is the basic opinion of the trade union people of Great Britain.

Q At the present time do you know whether they have one-man drivers on engines in Great Britain?

A I think for shunting, yes, but not on the lines.

Q And France?

A In France, we have got the answer. Pour les locomotives munies de ces dispositifs --

Q Can you translate that yourself or I will try to?

A I think you had better do it.

Q For locomotives which are controlled by the devices mentioned above -- which would be some of these deadman controls -- the rule for running the train with two men is maintained, to assure wherever it is necessary international penetration of countries, other countries, which have a rule requiring two men.

Then, they give an example of a train, and that is A. Then B: The rule regarding two men on an engine is prescribed for all electric and diesel services in general. I had better make sure that prescrite -- would that be prescribed or proscribed?

HON. MR. MARTINEAU: Prescribed.

THE CHAIRMAN: What is this you are reading from? Is this the witness' evidence?

MR. LEWIS: This is the witness' evidence.

THE CHAIRMAN: It is his own statement. You are not reading some regulations?

MR. LEWIS: It is not a regulation, it is a reply of the French member of this International Federation as to the situation in their country.

THE CHAIRMAN: On request of the witness?

MR. LEWIS: On request of the witness' organization. Then, they give some examples of such trains. They also give some exceptions. There are the electric trains of the Banlieue Parisienne. There are certain trains in the Pyrenees, which are exceptions.

Then, it goes on to say that in those cases the conductor -- here the word conducteur is apparently engineer in this text. The engineer is alone in the cab.

THE CHAIRMAN: The whole thing

refers to the same rule of two men on a locomotive?

MR. LEWIS: Yes.

THE CHAIRMAN: Now, what is that rule?

MR. LEWIS: That rule is that two men are prescribed for all electric and diesel services in general, with the exceptions which I have indicated.

MR. SINCLAIR: Prescribed by whom?

MR. LEWIS: Prescribed by Article 43 of the regulations. There are some regulations. It is a contract with the engineers. It is a collective agreement. It is a schedule with the engineers, between the engineers and the railway which controls that in France.

M-2

BY MR. LEWIS:

Q Now, how about Italy? Have you any information on Italy?

A Yes, sir, from the Sindacato Italiano Unitario Ferrovieri. The translation says:

> "At present, the system of manning locomotives by one single person is not in use on the Italian railway system, not even for shunting operations. An experiment was made in 1935 and continued during the war, but it was later dropped because the railway staff was not in favour of the system."

At present, there are two men on all types

of locomotives and diesel units, that is to say a driver and an assistant driver. This rule applies in all services, also shunting.

Q Now, did you receive any information from Australia in your international organization?

A We have got a long letter from Australia after the congress of the I.T.F. held in Vienna last July, and in this letter it is stated as follows:

"Manning of Diesel Locomotives

With reference to correspondence which has passed between your union and the various railway systems in regard to the above mentioned matter (see lettere dated 31st August, 1949) I am directed to advise you that the Australian railway administrations are agreeable to the following conditions applying in regard to the operation of diesel-electric locomotives:

(a) Drivers of diesel-electric locomotives to be drawn from the ranks of qualified locomotive and rail motor drivers;

(b) drivers of diesel-electric locomotives to retain their seniority and rates of pay;

"(c) qualified locomotive firemen to be trained in the operating requirements of diesel-electric locomotives, and operate each unit or combination of units in conjunction with the diesel-electric locomotive driver, so far as main lines are concerned, and on shunting engines when considered necessary or desirable.

(d) firemen qualified in the operating requirements of diesel-electric locomotives to retain their seniority and rates of pay.

(e) firemen employed on diesel-electric locomotives to retain their seniority position as firemen, remaining eligible for consideration for appointment to the grade of driver in either steam, electric or diesel-electric locomotive working."

Then, the letter goes on:

"On behalf of the Australian Council and the membership of the A.F.U.L.E. I am to say quite clearly that there will be no departure from the principles decided in 1949. Any attempt to depart from the code agreed upon will mean that diesel-electric locomotives not operated as a unit or combination of units

"conjointly by both locomotive driver and fireman will remain in the shed wherever the condition arises in Australia and will not be taken out by one engineman irrespective of deadman or any other form of control introduced."

MR. LEWIS: Now, may I interject, Mr. Chairman, and state that by this evidence I am not trying to contradict what Mr. Koster or Mr. Emerson said. They dealt with the situation in some other countries and I felt that if the Commission was going to give any weight to evidence about what happened in other parts of the world that you might like also to know the situation in countries other than those referred to in the earlier evidence. I am not attempting to impeach the evidence given by those witnesses, I am merely filling out the picture. I thought I would make that clear.

THE CHAIRMAN: Do you regard that what the witness has said, about France for instance, dovetails with what Mr. Emerson said?

MR. LEWIS: I cannot remember exactly what he said.

THE CHAIRMAN: I am not asking you about it now, but in view of what you have just said, that must follow. Not having this thing in front of me I find it difficult to get back to what Mr. Emerson said and make a comparison.

MR. LEWIS: I will see that a copy of that letter from the French trade union, the part that deals with that, is placed in the hands of members of the Commission.

THE CHAIRMAN: I take it from what you have just said that you yourself have made a comparison between what this witness has now told us and what Mr. Emerson and Mr. Koster said and that you find no contradiction.

MR. LEWIS: As I recall, Mr. Koster dealt very little with France or England.

THE CHAIRMAN: To some extent he dealt with France.

MR. LEWIS: My memory of Mr.Emerson's evidence relates to shunting operations only.

MR. SINCLAIR: I wonder if Mr.Lewis has shown Mr. Imhof Exhibit 180? I have been trying to follow what this witness has said and I will have a couple of questions that I shall put to him, but I am quite sure that Mr. Lewis would have shown the witness Exhibit 180.

MR. LEWIS: Yes, but he was not quite sure of all those details. I also asked him to read the evidence of Mr. Emerson and Mr. Koster. He did that last night as he only arrived yesterday. Whether he was able to assimilate it all is a different question.

THE CHAIRMAN: We have had Mr. Koster and Mr. Emerson and now we have Mr. Imhof. We will have to see if there is any confusion.

BY MR. LEWIS:

Q I understand that the I.T.F. had a

congress last year?

A Yes, sir.

Q It was held where?

A It was the biennial congress of the I.T.F. in Vienna.

Q And the dates were?

A The dates were 18th to 26th July, 1956.

Q Was this question of the one-man operation of diesels discussed by that congress?

A Yes, sir.

Q Was there any resolution adopted with regard to the question?

A Yes, sir.

MR. LEWIS: Mr. Chairman, I would like to have the witness read that resolution into the record. I referred to it earlier.

THE CHAIRMAN: Suppose you read it, it might be easier.

MR. LEWIS: I am referring to page 349 of the proceedings of the Vienna Congress of the I.T.F. which was held between the 18th and 26th of July, 1956:

"Resolution on Dieselization and Electrification of Railways

That this Congress recognizes changes of types of power for railway traction are taking place at a rapidly increasing tempo. The steam locomotive is being superseded by either

"diesel or electric locomotion in many countries and these changes are creating problems for the railway trade unions. One particular problem is that of manning the new types of locomotives.

Congress also notes that there is no standard practice as between country and country and that the method applying in one country can be used by the employers in another country to the detriment of their employees. In order to safeguard the future of locomotivemen, to prevent exploitation and the imposition of intolerable conditions upon them we affirm that, as a general principle, two men should be employed in the cabs of these new, costly and powerful machines.

This Congress, therefore, decides to remit this matter to the railway men's section for their urgent consideration with a view to drawing up a statement of policy for the guidance of the appropriate unions in all countries which are affiliated to the I.T.F."

BY MR. LEWIS:

Q By the way, Mr. Imhof, so that there may

be no implied misrepresentation. Were you present at that congress in Vienna?

A .No, sir.

Q In July, 1956?

A No, sir.

Q You were not a delegate there?

A No.

Q This is a record which is now in your possession as secretary of the railway men's section?

A Yes.

Q Do you know from your discussions with your predecessors and the officers of the I.T.F. what was meant by that resolution when it states that two men should be employed in the cabs of these new, costly and powerful machines? I think those are the words, that two men should be employed.

A Well, I think the general opinion of the drivers is that a second man should be able to brake the train and to run the train, and in general in case he is not well or is not capable to do it himself.

Q When you were a station officer on the Swiss Railway did you ever take part in what we call switching work, and what I think is referred to in your evidence as shunting?

A Oh, yes. As station officer you have to do everything. You have to even, if there is no labourer; in the small stations you have to load and unload cars and help everywhere. You have to do some switching and things like that.

Q I am referring particularly to switching. Would you have it to do as a station officer or as an employee working in the station? Would you have to have training or experience in passing signals, for example?

A Yes.

Q Giving signals?

A Yes, you have to do it.

Q Would you have had to have training or experience or both in coupling and uncoupling cars, how to do that?

A Yes, you have to learn it. In practice you have not to do it as a station agent. There are mostly labourers doing that.

Q Are those labourers connected with the operating crew of the train, those people who do it, or are they labourers working under you on the station?

A Under me on the station.

Q They have to learn that?

A Yes.

Q Do the cars have hand-brakes on them,

brakes on the cars themselves?

A They are mostly small hand-brakes.

Q Would you have to learn how to brake a car when it was off the train?

A Oh, yes. On a small station you have to go with the train when it is coupled out and you have to go back two or three cars from it.

Q And put the brake on if it is necessary?

A Yes, when you arrive at the place.

Q These are the things your station employees are required to learn and to know; is that right?

A Yes.

Q When a train comes in and it has to be what we call switched, having cars taken off or put on or taken out of their order, what work do the station employees do? Do they assist in that work on the Swiss Railway?

A Oh, yes, because during the time the train is on the station the station master has to supervise the train and every movement going on in the station yard. He sees what has to be done.

Q Are the station employees expected to assist the train that comes in to do this switching work?

A Oh, yes.

Q I limited my questions to Switzerland

because that is where your personal experience has been. Have you had any experience that would enable you to tell the Commission what the practice is in other countries? If you have not, just tell me, but if you have would you state it to the Commission?

A I have not much knowledge about this.

Q Mr. Imhof, that resolution passed by the I.T.F. at the congress in Vienna last year, asking that two men be on diesel or electric engines, in your work as secretary of the section and in your dealings with representatives of the unions in various countries, can you say whether this demand comes from the drivers or from the firemen?

A It comes from the driver. He does not want to be alone. He does not perhaps feel sure, he is uncertain, and he feels that the responsibility which he has is too heavy to bear sometimes.

Q Have you had occasion in your railway men's section of the International Transport Workers' Federation to discuss the effect on the health of drivers of this one-man driving situation?

A Oh, yes, but that is a rather difficult question. We have discussed this many times in Switzerland, but unfortunately

we have no statistics about this. When we held our survey of the Swiss Railway Men's Federation, we received this reply:

> "It would be interesting to ascertain whether one-man driving has an adverse effect on the health of locomotive drivers. The causes of diseases of the blood vessels and also certain deaths at work have increased in recent years, but we are not in position to attribute this increase to one-man driving as no systematic investigations have been made. The union is keeping a watchful eye on the phenomena."

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Q And do you know whether there are regular medical checks of the drivers on the Swiss Railway?

A Yes, there are medical checks.

Q And do you know whether it is the case that as the result of medical checks a second man on the engine may be put?

A Yes, sir.

Q What would be the circumstances?

A In an article about the effort of technolog ical modernization of the Swiss Federal Railways --

THE CHAIRMAN: Would you just --

Mr. LEWIS: Just answer the question.

THE CHAIRMAN: No, I did not follow what that organization is. I did not hear.

BY MR. LEWIS:

Q What is the paper you have in your hand? Who publishes it?

A The paper is the French issue of the Union paper of the Swiss Federation of the Swiss Railwaymen but the article is written by Dr. Serati, who is the chief medical officer of the Swiss Federal Railways.

MR. LEWIS: Just to complete the record, sir, the paper is called Le Cheminot and is said in its masthead to be the official organ of the Federation of Swiss Railway Workers.

THE WITNESS: There it is said -- well, it is rather difficult to translate.

"The actual problems of the medical service. (a) Development of the periodical control of the health of the drivers of locomotives. One of the merits of the former chief of the medical service on the Swiss Federal Railways made to take the attention of the general management of the Swiss Federal Railway about the necessity of introducing a periodical control about health conditions of the locomotive drivers. The reason for this has been to ascertain the security of exploitation" --

MR. LEWIS: "To assure", not "ascertain."

THE WITNESS: "-- to assure the security of work by the service of" --

MR. LEWIS: "--one man manning by the driver and to maintain aptitude for the service in the category of employees exercising the particularly delicate functions that these employees have to exercise."

Perhaps, Mr. Imhof, without reading all of that because, as is characteristic of all articles, some of it is just prefatory to the conclusion --

HON. MR. McLAURIN: Until last night they called it propaganda.

MR. LEWIS: Yes.

MR. SINCLAIR: It seems effective at times.

MR. LEWIS: If I may say so, that still does not answer the basic question as to whether it is accurate or not. Propaganda also sometimes can be.

MR. SINCLAIR: Can be what?

MR. LEWIS: Accurate as well as inaccurate.

BY MR. LEWIS:

Q Mr. Imhof, the particular point that I think would be of particular interest to the Commission is if you would be good enough to take out of that article or from your memory and state what the chief medical officer of the Swiss Railways informed you as to whether as the result of a medical inspection check of a locomotive driver it is the habit in Switzerland that if his health so requires they put a second driver or helper with him on the engine, whether that is done?

A That is right. That is the reason of the examination.

Q And if they find him inadequate in health they give him that assistance?

A Yes.

Q Now, a final question, Mr. Imhof. From your present position and your talks with the

leaders of the Unions affiliated with your Federation, can you tell the Commission whether this opinion expressed in that resolution passed by the Congress is pretty general among the unions of engineers in the organizations affiliated with the Federation or whether there is a difference of opinion on it. Do you understand my question?

A Yes, I do. Well, I think that is a rather difficult question. Drivers at a certain age do not like to drive alone. Younger drivers who are used to do it alone because they have never had another practice, they mostly have had to do it since they are trained mostly to do it alone and they are not so well paid as the older drivers so they like the allowances for driving alone, and I think the general feeling is very strong against one man driving, very strong in general, but there may be some exceptions.

Q For example, is the Swiss Federation of Railway Unions a member of your Federation?

A Oh yes.

Q And is the Netherlands Railway Union or Unions, are they members of your Federation?

A Yes, sir.

Q And could you from the record of proceedings last summer in Vienna say whether these two Union bodies had representatives or delegates to the meeting in Vienna?

A They had.

Q And do the records of proceedings last summer show whether they or any delegate present spoke or voted against that resolution?

A No. The resolution passed unanimously.

BY MR. SINCLAIR:

Q Just following that up, Mr. Imhof, it is not in this I.T.F. report you have but I was told that at this conference when they had a discussion period dealing with this matter both the Netherlands and Swiss Railwaymen's delegates spoke against any action such as you have suggested being taken, that they said they knew more about one-man driving than the other people who were talking and that they were satisfied with it. Do your records not disclose that?

A I did never hear of that, sir.

Q The matter was discussed at the International Labour Conference and was spoken against by both the Netherlands and Swiss delegates who claimed to be the ones to have the allowances and the most thorough experience in the matter. You have never heard

of that?

A No, sir.

Q Well, did you have another conference other than the one at Vienna where this was discussed?

A After Vienna?

Q Before Vienna?

A I don't know. I haven't been yet with the I.T.F. before Vienna.

Q Have you got a transcript of the proceedings at that conference? Have you got a record of everything everybody said?

A Oh yes, I think so.

Q And the discussions of the railway section?

A I know the discussions in the railway committee last February. I don't know anything else.

Q But before the conference in Vienna last July, have you got a record of the discussions in a conference before the Vienna conference of last July?

THE CHAIRMAN: You mean at the Vienna conference?

MR. SINCLAIR: Yes.

THE WITNESS: Well, I know what Mr. Sinclair wants to say. Before the full Congress meets there is a conference of every section, but this conference as far as I know is just for the elected chairman and the committee and the minutes about this railwaymen's conference is a very small one without any mention of discussions and so on.

BY MR. SINCLAIR:

Q So that you don't know whether there was a discussion by the Swiss and Netherlands delegates against this resolution at that time?

A No sir, I don't know. I just know that the resolution at the Congress has been adopted unanimously.

Q It was a matter of no discussion. It was passed, was it not, according to that book?

A I haven't been there, sir.

Q Now, Mr. Imhof, did your survey happen to disclose what they do in Denmark as to manning of locomotives?

A Certainly, sir.

Q What does it say about Denmark? How many people are there on the locomotives in Denmark?

A Only one there.

Q And what about Sweden?

A Yes, we have it here.

Q What does it say for Sweden?

A I would mention something about Denmark. They have been -- in connection with one-man driving they have been promoted from the 11th to the 7th class making about 13 per cent of an improvement of their earnings, and I think that is one of the reasons it passed so easily.

Q You mean when they put it into effect they

gave the men an increase in pay and so therefore it went in there easily?

A That is it.

Q In Denmark, but there is one-man operation in Denmark, and what did you say you found out about Sweden?

A Sweden -- one-man driving of electric locomotives in train service may be practised on all trains except express trains, larger passenger trains of similar character as express trains, long distance and direct goods trains. The service of a single driver in train service should be for a single train or several trains in a sequence not covering a longer distance than about 160 kilometers or about six hours' scheduled time.

During one and the same day of service of 24 hours there should as a rule not be more than ten hours scheduled time of one-man driving. That is about Sweden.

Q If you have to drive for more than 10 hours in one day in Sweden they put two men on the locomotive?

A That is right.

Q What about Spain?

A Spain is a Fascist country, and we have only members in the free world - not in communist or Fascist countries. Our survey does not mention Spain.

Q Your knowledge of international affairs is different to mine, Mr. Imhof.

MR. LEWIS: Is my friend questioning the statement that Spain is a Fascist country?

THE CHAIRMAN: We may get into almost everything else, but let us not get into that question.

BY MR. SINCLAIR:

Q Does your survey disclose what is being done in South America?

A No.

Q In the Argentine?

A They are just coming again into our organization; they were affiliated many years before the war.

Q Outside of Italy, where you say they had two men on locomotives in shunting service, was there any other European country where there were two men on shunting locomotives?

A I couldn't tell you from my record. I

don't think in countries where they are running usually one man that they use two men shunting - I don't think so.

Q In Italy you said they had two men on a shunting locomotive?

A Yes, that is in the letter.

Q Do you know any other European countries where that takes place?

A No, I could not tell you.

Q You don't know of any?

A I don't know of any.

Q In Switzerland you explained the exception to one man driving is, as I followed you, exactly the same as set out in our exhibit 180....I just want to check this: On electric locomotives in passenger service the helper was required when there was non-stop of over 60 kilometers or between midnight and 6.00 a.m., except for trains arriving up to 1.30 a.m. or trains leaving at 3.30 a.m., provided the engineman had had 60 minutes rest?

A No sir. That is only drafted - that is not yet in force.

Q You say that is not in force?

A As far as I know, not. I have the draft here, but I know that there are many , many discussions between administration and the trade union about this. I have got

the draft regulations, but they are not yet in force as far as I know.

Q What you are saying is that the difference is as to 1.30 and 3.30 - you say it is one o'clock and four o'clock?

A Yes.

Q At the present time.

A At the present time.

Q Have you heard, Mr. Imhof, that the Swiss railways say that about 20 per cent of their trains have two men in the cab while moving?

A Yes sir.

Q And that the Swiss railways are attempting to reduce that to 10 per cent?

A Yes sir.

Q You have heard that?

A I have.

Q The unions have not agreed to it up to now?

A No.

Q Now as to England, you said you did not know of operations with only one man?

A No, I don't know very well.

Q Mr. Emerson gave evidence here that they had a substantial amount of electric multiple unit operations in the south of England with one man in the operating cab. Are you saying that is not correct?

A No, I don't say that.

THE CHAIRMAN: He has not heard of it.

MR. LEWIS: He said he had no experience in England, when I asked him.

BY MR. SINCLAIR:

Q In France, there aremultiple unit passenger trains operated with an engineman alone in the control cab in the front - the MU equipment.

A I would say just four weeks ago I had a trip from Brussels to Luxemburg with a fast train - Brussels to Zurich. I asked the trainmaster if he would allow me to go to the cab to see the driver, and he did. I was astonished that there were three men in the cab, and the trainman behind in another cab.

THE CHAIRMAN: Are you asking the witness about France?

MR. SINCLAIR: Yes.

THE CHAIRMAN: Well, Brussels to Luxemburg is not in France.

MR. SINCLAIR: I would not think so.

THE CHAIRMAN: Let us not get confused. If you want to get information about France, why not get it.

BY MR. SINCLAIR:

Q Mr. Imhof, do you know if there are multiple unit trains running in France with just the engineman in the control cab - just one

driver?

A I couldn't tell you that, I have had no experience.

THE CHAIRMAN: Now, I think you should let the witness say fully what he wanted to say about some other part of Europe.

BY MR. SINCLAIR:

Q You were talking about a trip from Brussels to Luxemburg.

A This was an international train between Brussels and Zurich, Switzerland, through Luxemburg and France. I made a trip from Brussels to Luxemburg, and there were three men in the cab, one Belgian and two French.

Q One of them would be a pilot, when they were running over another system's railway. You say they had a French crew?

A Yes.

Q And in addition they had another man who was a Belgian on the engine when they were running over Belgian trackage?

A I think that is so.

Q And other than where there is a foreign crew operating over another country's railway, did your federation develop any instance where there were three men assigned to the cab of an engine when it was moving over the road?

A I don't think so.

Q In Switzerland you said the station staff assisted in switching at the station?

A Yes sir.

Q A freight train would come down there with say a crew of two on the train, an engineman and a guard, is that correct?

A Probably also a trainmaster.

Q And a trainmaster?

A Yes.

Q That is a crew of three?

A Yes.

THE CHAIRMAN: Would this be an electric?

MR. SINCLAIR: Yes, this is electric.

BY MR. SINCLAIR:

Q Would this be a crew of three on your freight train in Switzerland?

A It depends on the braking system on the train. If there is a fully automatic brake system all through the train, the crew is very small.

Q In other words, if the air is through the entire train the crew is only two.

A Yes.

Q And sometimes in Switzerland when the air is through the whole train there is a crew of only one.

A In the whole train?

Q Yes.

A Oh no - at least one on the engine and one on the train.

Q I mean a total train crew of two?

A Yes.

Q That is the usual thing, is it?

A That is not usual, no.

Q When there is air through the train?

A If it is a goods train, if it stops at settled stations, there must be other people on the train to help with the switching.

Q How many? Does that make a crew of three?

A Three or four.

Q Sometimes four?

A Yes.

THE CHAIRMAN: Mr. Sinclair, I would like to follow this and do it accurately. Most of the time the term "train crew" does not include the engine crew. I would think here you have used train crew to include engine crew, in your recent questions.

MR. SINCLAIR: I am sorry, sir.

THE CHAIRMAN: Making it clear.

BY MR. SINCLAIR:

Q On freight trains in Switzerland what is the total crew including the locomotive?

A I think that you can't tell that in one sentence. It depends on the nature of the train.

Q On a through train?

A The very fast through trains, for instance, with fruit from Italy to France or Belgium, which goes all through Switzerland without any

stops, or perhaps one stop, with fully automatic air for the brakes, there are two or three men.

Q Which is it?

A One on the engine and one or two on the train.

Q One or two on the train? What do you mean by one or two on the train?

A It depends also on the weight of the train.

Q If it is a longer train there are two men behind the engine and one man on the engine?

A Yes.

THE CHAIRMAN: Is that an Italian train, a Swiss train or a French train?

BY MR. SINCLAIR:

Q Is that an Italian train?

A It is a train mostly with European wagons - as you know these wagons are used all over Europe; this is a Swiss engine.

Q The Swiss put their own engine on the train when it enters Switzerland?

A Yes.

Q On these occasions they have one man on the engine?

A Yes.

Q And you say it depends on the length of the train?

A And the weight.

Q And the weight - they have either one or two men behind the engine?

A Yes.

BY HON.MR.McLAURIN:

Q And the crew are all Swiss nationals?

A Yes.

BY MR. SINCLAIR:

Q If the train is doing switching between where it starts and where it stops in Switzerland --?

A If the train is doing switching they have to have more crew on it.

Q How many? I am asking you about the freight trains in Switzerland, do you understand, Mr. Imhof?

A Yes.

Q I am sure it is my fault, that I am not making it clear to you. If you were starting out from a terminal with a freight train and going to set off or take off the train at two or three places - that is take off cars or put on cars - what would the crew consist of on the engine and on the balance of the train?

A On the engine it will be one.

Q One man on the engine?

A And on the train, it depends again on the length and weight of the train, but I think it would be two or three - two and the trainmaster.

THE CHAIRMAN: Mr.Emerson said in that case there was a trainmaster plus one or two

trainmen depending on the number of axles. Does the witness know anything about that?

MR. SINCLAIR: I thought his answer to me now confirmed that.

THE CHAIRMAN: No, his answer is not the same. He includes the trainmaster, plus one, as I understand it - the trainmaster plus two. Let us not get confused. It is a question of fact: All we are interested in is what the facts are.

MR. SINCLAIR: I had the same impression as Mr. Lewis had, that the witness had just confirmed that.

BY MR. SINCLAIR:

Q In freight service, Mr. Imhof, your evidence is that if the freight train is not going to put off cars or take on cars en route between terminals - do you know what that means?

A Yes.

Q Are you following me?

A Yes sir.

Q As I understand your evidence, on these occasions there would be an engineman alone up in the engine?

A Yes.

Q And one other man on the train?

A Yes sir.

Q Is that correct?

A Yes, on small trains, not too much weight and

not during the night.

Q Then, if it is a longer train there is a second man put on the crew?

A Yes.

Q And at night there is another man on the engine, is that so?

A Yes, between 12 and six, and coming in after one o'clock and starting before four o'clock.

Q The information that we had is a man on the engine is required between midnight and six o'clock, the same as on a train arriving up to 1.30 a.m. and a train leaving after 3.30 a.m., provided the engineman has had 60 minutes rest.

A It is like the other figures I told you before.

Q It is the difference between one o'clock and four o'clock?

A Yes.

Q You say it is true except with respect to one o'clock and four o'clock?

A Yes.

Q If it leaves its initial terminal before four o'clock in the morning and after midnight, it has to have a second man on the engine, is that what you say?

A No. When the train comes in after one o'clock in the morning, he has to have two men on the engine.

Q And if it is leaving ...?

A When it is leaving before four o'clock in the morning it has to have two men on the engine.

MR. SINCLAIR: I think with that exception, Mr. Chairman, it does confirm this Exhibit we have. If that is not the understanding of the Commission I will certainly go through it with the witness again.

THE CHAIRMAN: Nobody is troubled about the crew on the engine - that is perfectly plain. The witness says it is the same except for the half hour in each case. But where he does not seem to agree with Exhibit 180 is in the crew other than the engine crew. It may be clear now, but I got lost because you started introducing the engine crew when you were talking about other people.

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MR. SINCLAIR: Well, Mr. Chairman, if there is any confusion, of course, it is my fault and it is my duty to clean it up for the Commission.

BY MR. SINCLAIR:

Q Mr. Imhof, let us take these Swiss railways again, if you will. I am sorry to trouble you so often on this.

THE CHAIRMAN: Let us have a break, and then perhaps you could have it down one, two and three.

--- Recess.

H. IMHOF, recalled.

MR. SINCLAIR: Mr. Chairman, I have spoken with my friend and Mr. Imhof and we have agreed that Exhibit 180 with respect to France and Switzerland is correct as set out here, with the exception of this half-hour difference in the footnotes to which reference has been made.

MR. LEWIS: That deals with engine crews only.

BY MR. SINCLAIR:

Q In regard to train crews in Switzerland, Mr. Imhof. I want you to go through this with me. By train crew I mean the men other than the men on the engine. First, on through freight trains how many men are there?

A If it is not a train running through the night, with those exceptions, that is from midnight to 6 o'clock --

Q That has to do with the men on the engine, I am talking about men other than those on the engine.

A I understand.

Q On a through freight train -- perhaps if I went along myself it might be easier to understand -- if it is a smaller train there you would have one man behind the engine?

A That is correct.

Q If it is a heavy train there are two men?

A Yes, sir.

Q Then if it is a train that is going to set off full cars or pick up empty cars at an intermediate station, but not to unload those cars, just to pick them up and add them to the train, again on a small train you have only one man behind the engine; correct?

A That is correct.

Q And with heavy trains, two men behind the engine?

A Yes, sir.

Q Then the third category is where as you move across the road you stop at stations and the train crew is going to unload cars or load cars at intermediate stations. In those cases behind the locomotive on the train you have in some instances three men?

A Yes, sir.

Q Depending on how much work there is to do?

A Yes; certainly the trainmaster with them.

BY HON. MR. McLAURIN:

Q And in no operation in Switzerland, passenger, freight or yard, do you ever have a train crew exclusive of the locomotive crew of more than three?

A Yes. It might happen with many passenger trains because the control of tickets is made in the train and not made on the station.

BY MR. SINCLAIR:

Q But other than those cases, what Mr. Justice McLaurin put to you would be right?

A I think so.

BY HON. MR. McLAURIN:

Q What I put to you would be equally right about all freight service, the train crew in Switzerland never exceeds three?

A I don't think so.

Q That is the train crew exclusive of the locomotive personnel?

A Yes.

BY MR. SINCLAIR:

Q The number would rise only if they were going to unload or load cars at intermediate stations?

A Yes.

Q In other cases it would be two men behind the locomotive?

A Yes.

THE CHAIRMAN: I do not think, either to you or Mr. Lewis, that the witness has dovetailed the men at the station into the switching movement.

BY MR. SINCLAIR:

Q In Switzerland, Mr. Imhof, if your train comes to a station and it is going to just set off some loaded cars or pick up some empty cars -- do you follow that?

A Yes, sir.

Q At the station, do the men at the station, the men located at the station, do they help?

A Oh, yes, they have to help.

Q On every occasion?

A On every occasion.

Q How many?

A Depends on the size of the station. Sometimes there is only one man who helps alone; sometimes there are two or three labourers that help doing this switching.

Q What do they do, do they put skates on the tracks to stop the cars?

A What is that, a piece of --

Q Yes.

A Yes, things like that, and make signals and work together with the train crew. It is all cooperation between the station personnel and the train crew.

Q Take the example of an intermediate station where you are going to set off

from the train maybe six cars, or take whatever number you like, ten cars if you like. You come along to the station and your train stops. Does the operator leave his work and come out and help the train crew set off those ten cars?

A Well, the operator of the station could not do so because there is a central point to switch the switches. In most cases there is a central cabin for the switching and he has to remain there to do the switching, to get the cars over to the station.

Q I know he has his work with regard to signals and things of that kind, but we are setting off ten cars at a one-man station?

A Yes.

Q Who assists that train crew?

A When he is alone he cannot.

Q They have to do it themselves?

A They have to do it themselves.

MR. SINCLAIR: That is all I have.

MR. LEWIS: I will have copies made of these regulations and they can be put in separately. I do not promise to have them by tomorrow morning, but I will have them at least in Toronto. Thank you very much, Mr. Imhof.

--

JAMES EDWIN HONE, sworn.

EXAMINED BY MR. LEWIS:

Q Mr. Hone, you are General Chairman for the Brotherhood of Locomotive Firemen and Enginemen on the Central Region of the Canadian National Railways?

A That is right.

Q You joined the Canadian National as fireman in 1942 at Brockville?

A Yes, sir.

Q And worked out of Brockville as a fireman?

A Yes.

Q And you were classed as an engineer in 1946?

A Yes, sir.

Q And after that for some ten years you worked as fireman although you occasionally ran as engineer off the spare board?

A Yes. I was set up for three months in the summer of 1956.

Q In the summer of 1956 you were actually promoted or set up as engineer and you were engineer for three months on a regular basis?

A Yes, sir.

Q What was your first experience with road diesels out of Brockville with the Canadian National; when was your

first experience?

A Diesels came to the territory between Toronto and Montreal in the summer, I think of 1948, and they have been there continuously ever since. I have been working on diesel locomotives a great part of the time since that time.

Q When were you made General Chairman?

A I became General Chairman in May of this year and worked as a fireman until April 11 of this year.

Q After April 11 you ceased working --

A That is right.

Q Before you had your diesel experience did you have any experience on hand-fired coal engines?

A I had experience on all types of locomotive, hand-fired, stoker-fired and diesels.

MR. LEWIS: Mr. Sinclair has just pointed out to me that I worded a question in such a way as to intimate that when you became General Chairman you quit working.

THE WITNESS: I think my work began; my troubles began anyway.

BY MR. IEWIS:

Q I think perhaps you started your answer before I had finished my question. I was going to say, quit

working as a railway employee?

A That is right.

Q You retained your seniority in case your brothers do not like you and kick you back again?

A That is right.

Q You said you have had experience on all types of locomotives?

A All types of locomotives, hand-fired, stoker-fired and diesel.

Q But not oil?

A Not oil, no.

Q Then referring to your work on hand-fired coal steam engines, Mr. Hone; would you give the Commission your recollection of whether or not you spaced your firing to maintain a look-out where you considered it necessary?

A Well, I think I did the same as every other fireman tries to do, that is to learn the road. I know that for myself I always planned to be on the seat when we were going around a curve or when we were coming to a point where I had to observe an order board or some other signal. I could not be in position for every block signal, but for order boards at stations I was definitely in position to see them.

Q And what was your experience on

stoker engines?

A Well, on stoker engines, after you fire a short length of time you spend, I would say, 95 per cent of your time on the seat. As you get this experience it is not even necessary to watch the gauges.

The stack of a steam locomotive, a stoker-fired steam locomotive tells you the story. If you have a slightly grey stack, everything is all right and it is not necessary to look at your fire and that sort of thing. You have occasionally to observe the height of the water in the boiler as shown in the glass in the cab, but you can do that from the seat and it is only a matter of glancing over and glancing back.

Q Were there or were there not any requirements before a fireman was permitted to work on a diesel engine?

A Well, there were requirements and there still are requirements. On our territory a fireman is not permitted to work on diesel road locomotives until he has the O.K. of the Divisional Master Mechanic.

Q In that connection was there or was there not training of firemen before they are put on diesel road locomotives?

A Naturally they have to make a certain number of trial trips. They have to attend, when they are held, classes, but the Master Mechanic has to be satisfied that the fireman has a sufficient knowledge of the diesel locomotive to permit him to be called for that type of locomotive.

MR. LEWIS: Mr. Chairman, I should like with your permission to file as Exhibit 263 nine sheets. The first sheet is headed "Canadian National Railways, Central Region, Office of General Superintendent M.P. and C. Equipment." I assume that is motive power and car equipment. The heading continues, "Common diesel failures, causes and remedies."

In the top right-hand corner appears, "Stencil No. 266. File 3826-24-6,"and the date is given as 8/10/56, which I take to mean October 8, 1956.

EXHIBIT 263 -- Details of diesel locomotive failures, Canadian National.

MR. LEWIS: I must apologize to the Commission for not having the usual number of copies, but this is because of technical reasons. I have enough now for the members of the Commission and I will undertake to provide an additional one for my friend and

the additional four copies I should have.

HON. MR. McLAURIN: It is a monograph telling them what to do?

MR. LEWIS: That is right.

MR. LEWIS: If I may, I want to read certain portions in order to draw them to the Commission's attention and then ask one or two brief questions. At the top of the first sheet there is the following:

> "Mechanical and electrical protective devices on Canadian Locomotive Company -- Fairbanks Morse road and road switching units, which engine crews must familiarize themselves with, as you will be held responsible in the event of instructions not being carried out."

Then it tells them how to distinguish between right and left and then follow a number of items on three sheets. Then, if I may respectfully ask the Commission to turn to the fourth sheet, which is another stencil, being stencil No. 267 from the same office of the C.N.R., it speaks about mechanical and electrical protective devices on General Motors road and road switching units.

THE CHAIRMAN: What is the difference between a road unit and a road switching unit?

BY MR. LEWIS:

Q What is intended by that?

A I think the road unit/is the car body type and the road switcher is the hooded type. That is my understanding.

MR. LEWIS: That one refers to the General Motors road and road switching units. Then, if the Commission will be good enough to turn to what would be the seventh sheet, exactly the same thing is set out there with regard to the Alco road and road switching units. So that these instructions issued as recently as October 8, 1956, cover, I think, every type of diesel unit or every manufacture of diesel unit and every type that has been brought to the Commission's attention.

MR. SINCLAIR: Nothing about yard.

MR.LEWIS: No, this deals with road. I should have said every type of road engine.

BY MR. LEWIS:

Q I asked you, Mr. Hone, if you would be good enough to look through these sheets and for the convenience of the Commission give a very brief resume of generally what is being drawn to the attention of the engine crews in these bulletins?

A Well, I think that as it is headed it shows the common things that occur such as a ground relay and how to reset it, when the engine is loading, just the general things and the things that could happen and that the fireman would be able to fix or make temporary repairs in order to keep the train in operation.

I might say in addition to these bulletins being issued, or pamphlets or whatever you might like to call them, that it is my recollection that when I received them last November I was required to sign that I had received that bulletin.

Q These sheets here. I notice the first column is headed "check", the second column is headed "location" and the third column is headed "correction". Dealing with the first column headed "check", what is intended by that from your experience?

A From my experience when you are patrolling the engineroom when the train is in motion there are certain checks you do make and also when you take charge of the locomotive there are certain checks you make.

In our particular location at Brockville the operation is a run-through where one crew relieves the other and the shop staff never comes near the engine unless you go and get them, and it is the duty of the engineer and fireman in taking charge of that locomotive to thoroughly check the engine and see that it is in proper condition in their estimation to begin the trip.

We also have been held responsible and in some cases men have been disciplined for failure to see that the water supply was sufficient and the oil supply was

sufficient. I mean if oil or water was necessary, why, we get somebody from the shop staff to put it into the locomotive, but the shop staff normally do not come near the locomotives, and presently in the passenger service between Montreal and Toronto it is a similar situation. The shop staff do not come near the locomotives at the passenger station nor the locomotive foreman unless he is notified previous that there is some condition on the engine that needs his attention, and the outgoing crew are responsible for making a check of the locomotive.

Q When I asked you what this was about generally you said that it was as it states, mechanical and electrical protective devices, and you gave a ground relay as an example. I notice that on sheet No. 2, just taking it at random almost at the very bottom of the sheet, and that is why it struck me, it refers to low control air pressure and then it gives the location, "Gauge in cab" and then the correction, "Check main reservoir pressure, control air cutout cock for proper position, reducing valve,and leaks in air piping." Where would all that be done? Where would you check all that?

A You can check the main reservoir pressure in the cab. In both the car body and the hooded type locomotive the air compressor itself is in the engineroom and there is, as it says, a reducing valve. The air pressure should be 90 pounds, 80 to 90 pounds. There is a gauge there, and while it is not my understanding that they want you to adjust the air pressure unless it was necessary and you were going to have a failure or something, it should be reported if the air pressure isn't at the proper 90 pounds or 80 pounds or whatever it is. It was 90 and I think that they cut it down to 80.

Q Then right under it, the very last line on the second sheet, they have "low fuel oil pressure" under the column presumably headed "check", and under "location" it says, "gauge in engineroom" and then you are told how to correct it. Under the column headed "correction" it says:

> "Check for leaks on suction side of fuel pump, fuel in tanks, and fuel pump relief valve, may be out of adjustment."

Where would you check those things?

A In the engineroom. There is a gauge back

there that indicates the pressure.

Q Now, on the C.N.R. are you or are you not expected to patrol car body type units while the train is in motion?

A That is the understanding. I mean it is more than an understanding. I think that from time to time there are educational bulletins come out that tell about certain failures and whether the man is disciplined or not it infers that if he had been patrolling that this would not have happened or that he had not made a proper patrol of the engine-room.

Q On the road switchers which you have had experience with -- by the way, have you had experience with all three makes of road switchers or only one?

A I think that the most of my experience has been on General Motors road switchers. I was on an assignment for some time where General Motors were on there nearly all the time.

Q And in the case of these road switchers was there any connecting walkway?

A Oh yes, there is a walkway between with a chain on each side, between the two locomotives.

Q Between two units?

A Two units, yes.

Q And are you or are you not required to go

back from one unit to another while the train is in motion on a road switcher type?

A Well, at the present time the men at Brockville are not required to go back because in the beginning the master mechanic was insisting that the men go back on the road switchers and I took the matter up with the superintendent of motive power and he wrote me and he didn't put it down generally like to this effect at all, but he wrote me personally to tell me that the men -- to inform the men that I represented that it was not necessary for them to go back, but I think the common practice is -- I know it was in my own case -- that if you had an alarm the speed of the train was reduced and we went back there.

MR. LEWIS: Mr. Chairman, with your permission, I should like to file as Exhibit 264 a bulletin issued by the division master mechanic at Ottawa for the Canadian National Railways. It is File No. 3852 and is date-lined Ottawa, Ontario, April 18, 1957.

EXHIBIT NO. 264 -- Bulletin dated April 18, 1957, issued by division master mechanic, C.N.R. at Ottawa.

BY MR. LEWIS:

Q I think you informed us, Mr. Hone, that by April 18, 1957, you were no longer employed in railway work?

A Our general committee was in session at that time and it was during the meeting of that committee that I was elected to the office that I presently hold.

Q This bulletin, the original of which I think I should also file, came into your possession how?

A A member of our organization from Ottawa sent me this bulletin.

Q I should like to read this, Mr. Chairman, if you will permit me.

"Notice to enginemen:

It has been observed that certain firemen on diesel engines of the type where engineroom is accessible from cab are not making inspection of engineroom as frequently as is considered desirable.

Firemen must realize that frequent inspection may avert serious delay and possible damage by timely observation of some small defect which might be easily corrected if noted early.

Engineman will insist that fireman make inspection as often as in his opinion it is necessary."

That is signed by the division master mechanic. Now, finally, Mr. Hone, and this is my last question to you, I should like you to tell the Commission if you will

about a very recent incident that occurred on a C.N.R. train in northern Ontario?

A Well, I had referred to me an accident which occurred on May 5, 1957, in which No. 3, which is the Transcontinental, one of the transcontinental trains of the Canadian National, was rerouted from Longlac to Port Arthur because of some derailment and engineer H. Boullough and fireman L. Camirand while approaching Port Arthur, Current River Junction, as a matter of fact, which is two miles east of Port Arthur -- the engineman had a seizure and died in the cab and the fireman took over the controls and took the passenger train into the station.

It is the opinion of those that sent this to me that the fact that the fireman was able to take over the controls perhaps averted a very serious accident.

Q How did you receive this information?

A This was mailed to me, sent to me.

Q By whom?

A By a member of our organization.

Q Where?

A At Port Arthur where the incident occurred.

THE CHAIRMAN: We will adjourn now.

---The Commission adjourned at 4 p.m. until 10 a.m., Wednesday, June 12, 1957.

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD SERVICE ON THE CANADIAN PACIFIC RAILWAY

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Hon.Mr.Martineau

I N D E X

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ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD SERVICE ON THE CANADIAN PACIFIC RAILWAY

Proceedings of public hearing held at Ottawa, Ontario, Wednesday, June 12, 1957

PRESENT:

Hon. R. L. Kellock,	Chairman
Hon. C. C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A. R. Winship,	Asst. Secretary

APPEARANCES:

D. W. Mundell, Q.C., C. J. A. Hughes, Q.C.,	Representing the Commission
I. D. Sinclair, Allan Findlay,	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Wednesday,
June 12, 1957.

53rd DAY

MORNING SESSION

---The Commission resumed at 10.15 a.m.

JAMES EDWIN HONE, recalled.

MR. LEWIS: I had finished examining this witness.

BY MR. SINCLAIR:

Q Mr. Hone, at page 7523 of Volume 52, which is yesterday's transcript, you related an incident that happened on May 5, 1957, regarding an engineman becoming ill; do you remember that?

A Yes.

Q You said that information was given to you by one of the members of your lodge-- I think that was the way you put it -- or a member of your organization; that is what you said?

A Yes.

THE CHAIRMAN: In Port Arthur.

BY MR. SINCLAIR:

Q In Port Arthur; outside of Port Arthur, that is right. Have you the note that you got from that man?

A No, I have not.

Q But the note that you had was that the man had suffered a seizure and died in the cab?

A As I recall, the note that I had said that the man had a stroke and passed out.

Q You interpreted that to mean that he died in the cab?

A I interpreted it that way.

THE CHAIRMAN: It could be considered as being in the vernacular, and then it may be an ambiguous term.

BY MR. SINCLAIR:

Q I have only been able to make a telephone call, but I am told that the man is pressing to be returned to work, and that struck me as being rather unusual.

A It would be unusual.

HON. MR. MARTINEAU: That is the greatest understatement I have heard.

THE WITNESS: That was my understanding, that he had died, when they said he had passed out I took it that way.

BY MR. SINCLAIR:

Q You do not know what kind of seizure he had?

A I think they said a stroke.

Q I am also instructed he had a mild heart attack and that he was taken to the hospital and stayed for two or three days and that he was then allowed out and has been feeling very well and is asking to be reinstated on his engine.

A I am not in position to take exception to your statement because I only based mine on the information that was given to me.

BY THE CHAIRMAN:

Q And your interpretation?

A My interpretation.

THE CHAIRMAN: Perhaps this illustrates the care with which incidents of this kind must be considered when hearsay evidence of this type is admitted. The evidence must be scanned carefully as to what weight should be given to it.

BY MR. SINCLAIR:

Q Now, Mr. Hone, there was just one other point in connection with your experience on stoker power with the Canadian National. Did you ever take coal for a stoker engine from a dump?

A No.

Q Did you ever have any trouble with foul coal, if we can put it that way, rocks or things like that in the coal?

A I never had any trouble with rocks in the coal, but during the war there was not any question that we had at times some bad coal. But by and large the type of coal that was supplied to our locomotives in the territory I worked was a very good grade of coal.

Q When you had bad coal that required more attention from the fireman in regard to the manipulation of his stoker, sometimes the stoker would block?

A Well, we have had very little trouble with the stoker blocking.

Q Did you ever have a stoker block?

A I have had a stoker block, yes, but it is not a common occurrence; it was not a common occurrence.

Q On your division?

A On my division.

Q I was just a little surprised about your remarks concerning this letter that you got from the Motive Power Department in regard to going out on road switchers.

A That is right.

Q You seemed to suggest, and I want to be fair with you by saying that I have not read the transcript, this is just a note I made yesterday -- at page 7521, that this was not a definitive action by the Canadian National. I notice that you did say here yesterday that he told you to inform the men that you represented that it was not necessary for them to go back. Are you suggesting that the Canadian National told you that and yet did not inform you to instruct the men not to go back?

A I say that they instructed -- at that time I am Local Chairman at Brockville

and thi e letter was addressed to me -- as I stated, they said to inform the men that I represented, which meant the group at Brockville. There was never any general letter put out covering the whole district in which I worked.

Q That is what you meant?

A That is what I meant.

Q You did instruct your men not to go back, the men whom you represented?

A Yes, sir. I would have to qualify that by saying that I did not instruct them not to go back, I said the company said it was not necessary because prior to that time the Divisional Master Mechanic had been insisting that they go back.

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Q And the reason, Mr. Hone, that you did not want the men out on road switchers was not so much going over the couplers, I take it, but rather that it was dangerous to go around the nose of these locomotives when they were in motion because of the restricted steps?

A On some of them there is steps cut in and there is a hazard, although there is another thing that comes into it and that is human nature. If you tell somebody not to do something or tell somebody they have to do something, immediately they take exception to it, but if you ask them to do it it is quite probable that they will do it. That is peculiar to railway people anyway.

I have seen many instances where the company have said you must do this and because it is contrary to our understanding of the rule the men take exception to it. If they had asked them to do it there is never any exception taken.

Q It works the other way too. If you say must not do something then they go and do it or object?

A Well, it is only human nature.

MR. SINCLAIR: Thank you, Mr. Hone.

MR. LEWIS: The next witness is Mr. Eugene George Sheflin.

EUGENE GEORGE SHEFLIN, sworn, examined

BY MR. LEWIS:

Q Mr. Sheflin, you are a trainman on the Bruce Division, is it?

A Yes, sir.

Q Working in freight and passenger?

A Yes, sir.

Q You told me you started as a temporary call boy with the Canadian Pacific Railway in Lambton Yards on April 10, 1942, and that you were given a job as a call boy on May 4 of that year on a more permanent basis?

A That is right, sir.

Q Then you became a checker on July 29, 1942?

A That is correct.

Q And you resigned on April 29, 1943, and some time early in the following year entered the Navy and were discharged at the end of the war or after the war in 1946 and came back to the Canadian Pacific Railway as a trainman on October 20, 1946?

A That is correct, sir.

Q And you passed your "A" book presumably and became a classed conductor on September 2, 1951?

A That is right, sir.

Q And you resigned on March 29, 1954 and entered some independent undertaking which you then quit and came back again on December 1, 1954

as a trainman for the C.P.R.?

A That is right, sir.

Q And did you or did you not lose your earlier service as far as your seniority was concerned when you came back on December 1, 1954?

A Yes, sir. I started out again as a trainman on the spare board on returning.

Q And you have been a trainman since?

A Yes, sir.

Q You have been a trainman on both the head end and the rear end?

A Yes, sir. On our division we change off at the halfway point on a trip. We will ride halfway over our division on the engine and halfway on the tail end, depending on the seniority you hold, sir.

Q Depending on the seniority?

A Well, the senior man will ride the engine, we will say, out of Toronto to the halfway point which is Midhurst, an inspection point. The junior man, he would walk forward and take the engine from there into MacTier.

Q What is your record with the C.P.R., do you remember?

A I believe I received demerit marks in 1950 or 1951, sir, for a derailment in switching at Weston. Other than that, that is all I know of, sir.

Q You are a member of the Brotherhood of Railroad Trainmen and do not hold any office in

the Lodge now although you were president of the Lodge in 1954?

A Yes sir, for a period of three or four months before I resigned from the duties with the C.P.R.

Q Now, give briefly over what Subdivisions or areas you have worked in the Bruce Division?

A The Bruce Division takes in Toronto to MacTier, Toronto to Port McNicoll, Toronto to Hamilton, Toronto to Orangeville, Owen Sound, and branch lines out of Orangeville, the Elora, Walkerton and the Teeswater.

Q Have you worked on the Orillia branch out of McNicoll or MacTier, I think it is?

A That is a cut-off point from Medonte. I have been in there. On rare occasions we do run in. The Orillia branch is serviced by a road crew working out of Port McNicoll but the Bruce Division crews do go into Uthoff for stone and special trains, picnic trains or such, the odd trip we will take into Orillia with a train such as that.

Q This Commission is going to go over the MacTier Subdivision, I think, or at least we will go as far as Medonte. I have not looked to see whether we go beyond that. What is the signal system on the MacTier Subdivision?

A We have an automatic block signal system,

Toronto to MacTier.

Q And is there any double track in the Sub-divisions you have indicated?

A. We have double track from Toronto to Streetsville going either to Hamilton or to Owen Sound, double track, which is C.N.R. trackage, between Campa and Hamilton.

Q Campa and Hamilton?

A Yes, between Campa and Hamilton. That is C.N.R. property and trackage.

Q Mr. Sheflin, have you had any experience on the head end of hand-fired engines?

A Yes, sir. On our push engines out of Toronto, from Toronto to Bolton we have hand-fired engines there and we have hand-fired engines usually from Toronto to Orangeville or Owen Sound. They are hand-fired engines.

Q Do you remember what the numbers of the engines were on which you have worked?

A Between Toronto and Bolton for push engines it is usually -- we are usually supplied with power of the 2200 class or in some cases 3600 for the pusher to Bolton. On the Orangeville, Owen Sound run 2200's usually we have up there.

Q And would you briefly give the Commission your experience as to the seating arrangements on these hand-fired engines, yours and the fireman's?

A The seating arrangements on our 2200's --

I believe the 3600's and the 2200's are the same -- the seat for the trainman is ahead of the fireman up beside the boiler. Usually the trainmen on our division running between West Toronto and Bolton, it is rarely we ever sit up in there. We are usually in the doorway on either the fireman's or the engineer's side, usually the engineer's side. It is a short distance, 26.1 miles, I believe, from West Toronto to Bolton, and getting up in the trainman's seat, it is kind of a cramped spot.

In an emergency it is quite a spot to try and get out of and we have found or at least I have found being in the doorway and irregardless of which side -- you change over depending on when the fireman is firing. You will move to the engineer's side or you can lean out the doorway a little to give him the swing for the shovelling of the coal.

But I have found from my own experience on a short run we usually stay in the doorway rather than get up in there because -- well, in the summertime it is a heck of a warm spot and in the wintertime with your water injector there and your fireman is putting on the injector and taking it off and when the injector is put on there seems to be an overflow and the trainman nine times out of ten is soaked from head to foot with water.

That is a storage place up ahead of the trainman's seat for shaker bars and shovels and everything else. Actually, you have a heck of a time trying to do anything up in there.

Q From the point of view of look out, what were your look out opportunities standing up or on the seat, whichever you were doing, as the trainman? Just to speed things up, when you were standing in the doorway you would have a good lookout opportunity, wouldn't you?

A Yes, definitely. In the winter time on these hand-fired engines sitting up there the fireman has the window open, and they open in such a way that the balance of the window is stuck right behind the trainman -- you have a double paned window, and it is only natural from the soot and that, the windows are dirty, and the trainman actually can't look out; he would have to move out of his seat, move back to the fireman's seat, to have a look. You can look back if you twist and lean back over the back of the seat, you could probably see. But the look out is very poor. Your little window is steamed up from the water injector throwing water around, and the steam, so it is very hard to see out ahead of you.

Usually in many cases I will stand in the doorway.

Q You would stand in the doorway both winter and summer?

A Yes, from West Toronto to Bolton that is where we usually ride.

Q Have you had any experience riding the head end of a stoker fired engine?

A Yes.

Q Was your experience little or considerable?

A Well on our division it is usually our second class trains that we have diesel units on, and on the passenger trains the balance are stokers.

Q Can you tell the Commission of your seating experience and look out experience on the stoker engines which you have ridden?

A We have a number of types of stokers; the engine numbers are the 2400, the 2800, the 5400 ... the seating arrangement on them I would say was very good for the trainman. He sits directly behind the fireman and not on the platform - he is behind the fireman in that case - the window opens and the view is very good there.

On the 5300's and 2300's the seating arrangement is the same in regard to position; we are behind the fireman, but the seats are attached to the back of the wall in the corner. The fireman is

sitting up on this platform. In some cases on the 5300's I have noticed the seats are a shade lower than what the fireman is. For look out purposes they have to slide a panel in the doorway on the fireman's side. They sit right next to that door - that is a sliding panel, and they have a bar across them, I guess for support through the wood panel part, and the panel slides up and down. There are places where you have a heck of a time to get these panels to go down so that you can look back. In the winter time I guess because of a number of arguments and so on, the company has covered these doorways with tarpaulin to keep the cold out and make them a bit warmer. This tarpaulin makes it twice as bad to try to look back. In some cases they have them so that you can roll them up and put the panel up and look back. On the 5300 they are so draughty -- I believe it is the 5301 we had to Hamilton where the tarpaulin was nailed over the doorway, and I had to pull about 20 or 30 tacks before I could get to the panel to drop it down.

Q In the 5300 and the 2300 what were the look out opportunity for the fireman who was sitting ahead of you?

A They are similar to the other engines; they

are up on this platform right at the window - the window opens and closes. That I would say is very much better - a little better off than what we are where we just have the doorway. In the summer time we will usually open the doorway and sit in the doorway, provided we can get a grip; we will leave the door open to keep it cooler.

Q You have had experience riding the head end of diesel powered trains, have you?

A Yes sir.

Q Both road switchers and A units?

A Yes.

Q When I say "A" I mean the car body type.

A Yes, the car body type.

Q Will you explain to the Commission how you would make a running inspection of the train while the train was running, as it is your duty to do on road switchers, and then on car body type. Let us take the road switcher first.

A On the road switcher in a running inspection the trainman is sitting ahead of the fireman in this case, and there is a window behind the fireman - the view is very good. On the curvature on the fireman's side there is no difficulty in making your running inspection; on the engineer's side, we cross the cab and stand up - to be quite honest with you,

if it is cold outside we will stand behind the engineer and look back through the window, or we will go out on to the gangway through the doorway behind the engineer, and inspect it when the curvature is on the engineer's side. That is what we do on the road switcher, sir.

Q What about the car body type?

A On the car body type the trainman is positioned between the fireman and the engineer in the centre seat, so to speak. To inspect either side of our train the trainman will go to the doorway either on the fireman's side or on the engineer's side, depending on the curvature; you open the door and to take a good inspection I have found you more or less kneel down so that you have a grip on the handle of the door and a grip on the outside bar, so that when the sway of the curvature comes you are not going to be off balance and thrown out. You must face backwards, and in kneeling down you are kneeling with your back to the movement, as it were, and you inspect your train that way.

MR. LEWIS: Now, Mr.Chairman, some sketches have been filed; I did not qualify this witness as an artist, but he is our artist. For his own sake they had better be

good. I should like now permission to file a sketch of the Ford plant yard at Oakville. That would be Exhibit 265.

EXHIBIT No.265: Sketch Ford plant yard, Oakville.

BY MR. LEWIS:

Q Mr. Sheflin, we have been through these things many times in the drawing of these maps. Perhaps you can do it faster without any interruptions. Will you take the course the cars move to illustrate the point you have in mind.

A Our train is coming from Toronto going to Hamilton; that is, we are coming from A going over towards B. At the point B are the two stops when we have to set off at the Oakville yard for the Ford plant, and at B the head end trainman drops off, goes back and makes his cut. This situation is the same whether you are in the passing track, or siding, or on the westbound main line.
The trainman at B has cut off the cars to be set off over at F. The move goes from B to F.

Q Point F is the yard.

A F is the Oakville yard, yes. On the main line we have a crossover where you see the C. We proceed down past D,

which is the switch leading into the Oakville yard, and once our engine and cars will have pulled clear of D the trainman swings down the engineer to line the switch at D, and then he gives the engineer a back up sign to take us toward E. On the reverse movement the trainman will go high - that means on top of the cars - and proceed back to about half way where it says "Lead". He is still on top, and at that point or a shade beyond ... at E, that is where our switch goes into the yard.

Q E is the west entrance of the yard?

A Yes, the west entrance of the yard. That switch is used by yard engines, and at times it will be lined for us, and at other times it is lined against us. Upon coming into E your signals go out of view of your engineer; and your fireman being on that side, he takes over, and takes the signals from the trainman on the point of the movement.

Q You are backing up, so the engineer is on the north side and the fireman is on the south side.

A Yes; we have made a reverse movement after going by D. At E I will stop the train there, line the switch at E, and proceed to walk down the lead to make sure the

switches are lined for the movement into Nos. 1, 2 or 3 in the yard. Those tracks are used by the C.P.R. for setting off our cars. So, on the walking back you keep the movement moving; that is, as I walk I relay signals to the fireman who would be out around where the word "Lead" is - that would be approximately where our engine would be.



The fireman passes the signals over to the engineer, either verbally or by whatever arrangement they have up there. We then back up to, as I say, Tracks 1, 2 or 3.

When I arrive at whatever track I am instructed to set the cars off at or in, I will cross then to the engineer's side, once I am sure there is enough room in that siding that I am not going to run into anything or hit other cars. Usually, I will then cross over to the north side. By that time the engineer has come into view and I then use the engineer again for signals from that point in.

BY THE CHAIRMAN:

Q That is all done with three men, the fireman, the engineer and yourself?

A That is right, sir.

BY MR. LEWIS:

Q I was going to ask him what had happened to the conductor and other trainmen while you were making this move?

A Well, the practice has been, sir, that the head end man sets these cars off, so the tail end man and the trainman, the conductor, he will stay in the van. The tail end trainman, in the wintertime, when there is a pathway through the creek, if he wants to take a charge through there, he will be over about Tracks 1, 2 or 3 by the time I

am coming on to Tracks 1, 2 or 3. If he were to go over -- if he has to come over, he is coming over to hand off a switch list to the yard office so that the yardmaster there would know what cars have been set off.

By the time he gets over there, after going through the creek and the puddle and so on, I am usually at the point F, before he gets over.

Q What about the conductor? You say he stays in the van?

A Yes, sir, he stays in the van; that has always been the practice. This is Canadian National track and I know the Canadian National are very strict about inspecting, if we are going west, the inspection eastbound, the train is running by you; they expect that of the crew. If we are in the siding, the conductor may come up, but it is on a very rare occasion that the conductor comes forward, sir.

Q Suppose, Mr. Sheflin, you waited, either after you are clear of the switch at D or perhaps -- I am not trying to run the railway, perhaps more safely before you start to move over the crossing past D, if you waited for the conductor and trainman to come up and the three of you made this move up the lead from D to E and down to F, could the men be so positioned that the signals

could be given to the engineer?

A Yes, I think so, sir, after a little wiggling around, it is possible it would work. The only place I can see we might have difficulty using a three-man ground crew, if I may place these men and try to see if I understand it right -- with the three men you would have one man on the point of the movement, he would be leading the cars in. The conductor, I would suggest, would be around the east switch, and the other man on top of the cars, and between that point where it says "Lead" and E, I think the man on top of the cars would still be relaying signals to the fireman in that case.

Q How many units do you use on a diesel-propelled train, one or more than one?

A Usually, if we have diesel power, sir, we will have two units or, in some cases on the weekends when business is really rushed and power is a little short, we have gone over with two yard engines coupled together, two 7100's, and we will use them on the trip to Hamilton and back.

Q Would you look at that carefully and tell the Commission your best judgment -- you have told us you have done it the other way -- that is, with the man standing on top -- tell the Commission whether a man

standing on top of the car next to the locomotive, whether it is one unit, two units or two yard engines, whether there would be any difficulty for him to remain in sight of the engineer around that curve on the lead?

A Yes, sir, I think he would have difficulty. We will take two units first. Two units are approximately two and a half, maybe three box car lengths away from the engineer before you are at the end of your units, then another box car, so that actually puts him three cars away from the engineer. At the point E the curvature goes south, so the engineer is still headed west, we will say the second and third box cars would be headed south, where the engineer is headed west, and with your fireman on the south side I would imagine he would be the best man to be looking out for the signals at that point, sir.

Q You have never tried it?

A No, I have never tried it. I have worked this yard as a yardman when the Bruce Division manned this yard and before this Bell Telephone bought the property and put up this parking lot where the fence is marked.

In working that yard, the foreman would stay at the switch E, one trainman

would be out around where the word "Storage" is, that is, away out in the field, to give signals to our engineer, and the other man would be walking down around Tracks 4, 3 and 2. He would be lining up switches and protecting cars, so that the foreman was opening knuckles, pulling pins and relaying signals to this man out in the field. He, in turn, was relaying them to the engineer. The other man, down in the yard, was lining up switches, and that worked all right so far as a three-man operation was concerned. These cars, you were just kicking them, and you could get away with it as long as you had a good foreman who did not mind working.

Q From your experience, Mr. Sheflin, how big a train would you be working westward, from which you set off cars in the Oakville yard; how many cars would there be in the train?

A That would vary. The first of the week you may be lucky and get a short train of maybe 35 or 40 cars. The end of the week I have gone over with 73 or 75 cars to Hamilton.

Q How many cars would you set off at the Oakville yards; could you recall that?

A That also would depend on the business. I have set off 26 or 27 cars of stone

there and I have set off 10. There have been trips where I have had only one car to set off there, sir.

Q Would the one-car trip be an unusual one?

A Yes, if they have one car, usually the yard can find ten more to help you out and make it eleven. It does not happen very often. If we have a rush car for the Ford people they put it on our train and we will set it off.

Q Would you more often set off ten or twenty or more often set off over twenty, I forget the number?

A If we set off ten, I would say it would be closer to between fifteen and twenty rather than between five and ten.

Q If there are no questions as to that, I would like to file as Exhibit 266 a sketch of the Woodbridge yard, or part of it.

EXHIBIT No. 266 -- Sketch of part of Woodbridge yard.

BY MR. LEWIS:

Q What subdivision is Woodbridge on?

A It is on the MacTier, sir, on the road between Toronto and MacTier. It is a short distance out of Toronto, sir.

Q Take us through the move on this, indicating what kind of work you would do at Woodbridge.

Would it be a set-off?

A Well, it would depend; in some cases you are setting off and in some cases you are lifting. In this particular case this was a drop or a lift of a car. We were headed from MacTier, coming from MacTier to Toronto. In other words, we were coming from the left to the right so far as the sketch is concerned. At the point A, we nosed in or we started in to the siding --

THE CHAIRMAN: Mr. Lewis, I have a matter to which I have to attend. Could we break for a few minutes?

MR. LEWIS: Certainly.

--- Recess.

E. G. SHEFLIN, recalled.

EXAMINED BY MR. LEWIS:

Q We were dealing with Exhibit 266, the sketch of Woodbridge. Mr. Sheflin, I would like to invoke your assistance in taking as little time as possible. I think what you want to illustrate here is what happens when you make a drop of a car going eastward, is that right?

A Yes, that is the move.

Q Would you take the Commission through that move?

A At the point of A, the direction of our train is going to the right of the sketch. At the point A the head-end trainman, which in this case was myself, threw the switch and we proceeded into the siding or passing track down to a shade past point B.

First of all we pulled our entire train in clear of the main line at A. Once our tail end was in the clear, at the point B, I made a cut because of the number of cars we had on the train.

BY THE CHAIRMAN:

Q You stayed there?

A I stayed at the point B to make the cut, to cut the cars. The reason for the cut I will explain as I go along

with the move.

At the point B I made my cut and the engine proceeded ahead and the cars were left between approximately the points B and H, the cars that I had cut off. I then set into D siding, into the runaround marked E, right below.

BY MR. LEWIS:

Q You backed them down there?

A I backed them into there to be left at the point D. Then I picked up my engine and proceeded out to C, between B and C. By that time the conductor and trainman were up and we had an understanding then of what our move would be.

At C the conductor and I then proceeded at once to E where I threw the switch again to take us down into F, or down into the industrial siding marked F.

Our instructions from the station were that we were to pick up a car from the United Coop that was to go with us into Toronto, a rush car. Our engine was nosed onto the car. At the Imperial Oil siding, which is just below the private road, there were two tank cars spotted. We nosed onto them first of all, shoved them down to the straight

as it is called, that is the siding. There is two sidings down right where that crossing is, you will notice the two sidings there. The two tanks were put down the straight.

Q That is the one to the left?

A The one to the left. We shoved our two tanks down there, backed up and come into E where we coupled onto the car that was to go with us.

We then proceeded back and picked up our two tank cars then off the straight, pulled them back up and re-spotted them at the Imperial Oil.

At that point the conductor proceeded to walk up to H, the crossing, the private crossing leading into Robertson Cotton Limited.

BY THE CHAIRMAN:

Q From where?

A He proceeded from approximately G after we had spotted the cars at the Imperial Oil. The conductor in turn walked up there so he would be in position for the drop to H, to protect that crossing. That crossing is protected with bells and wigwags, but because of the drop and the back-up movement it had to be protected by the conductor.

At the point G the engine stopped again.

BY MR. LEWIS:

Q You are backing up pulling the car with you?

A That is right, we are pulling the car. The engine is coming out of there tender first, backing out with that car on its nose.

BY HON. MR. McLAURIN:

Q This was a steam engine?

A Yes, sir; in this case it was steam. At the point G we stopped again. I had checked the hand-brake to be sure the hand-brake on the car was working and was ready for the drop. I then instructed the engineer that I would require the fireman at that point to relay signals too. The reason for that is the fact that being nosed on this car the pin to release the car from the engine, the operating pin was on the fireman's side, along with the ladder that would take me to the top of the car to handle the brake.

At this point, being on the engineer's side, I looked up to the conductor to be sure that my mate or the other trainman was in his position.

BY MR. LEWIS:

Q Where was he?

A He was at the letter C to handle that switch for the drop. At the letter C the tail-end trainman was at the switch. At the letter H the conductor was at the crossing to protect the crossing for the drop and the back-up movement. At the letter G I was posted there with the engine and car coupled to our nose.

We received a high-ball or sign that it was all right, that everybody was in their position and we knew what we were going to do. I crossed to the fireman's side and gave the fireman a sign I was ready. He in turn relayed it to the engineer. The engineer gave a couple of toots on the whistle and checked back to the conductor to be sure it was still all right.

He backed up, picking up speed, and at approximately C or a shade beyond he momentarily slackens up enough for me to pull the pin to release the car from the engine.

He then picks up speed again, the engine goes up towards B, the trainman at C throws the switch after the engine has gone by that point and allows the car which I am riding to go into the siding at D.

Then after that has been completed

and the car is in the clear the engine then goes right to C, we back into D, pick up our train, pull out clear of C, back onto B again and the move is completed.

Q Back onto the rest of your train?

A Back onto the rest of our train.

Q As I understand it the only point of significance that you want to draw the attention of the Commission to was the fact that you say you went on the fireman's side to pull the pin and be on the ladder for the brakes.

A Yes, sir. When you are nosed onto a car the operating lever for pulling the pin is on the fireman's side and you are moving out there. Then the drop is made and the minute that you feel you have enough speed to make this drop you give a sign to the fireman, who in turn relays it to the engineer by saying O.K. or he will holler "Now", the engineer will give you slack enough to pull the pin and then will get away from you as fast as possible so you won't lose your swing on your car.

Q The momentum?

A That is right.

Q What is the distance between C and the crossing which you have marked H?

A On the sketch it looks fairly close.

Q How many car lengths?

A I would say from memory four, maybe five car lengths from C to H.

Q 150 to 200 feet, something like that?

A Approximately. I am not just too sure, it may be three, four, five car lengths.

MR. LEWIS: I should now like to file the last exhibit, Exhibit 267, which is a sketch of the Medonte yard.

EXHIBIT 267 -- Sketch, Medonte yard.

BY MR. LEWIS:

Q You are doing very well without my questioning you, Mr. Sheflin. Would you be good enough to describe the move you wanted to draw to the Commission's attention with regard to Exhibit 267?

A The move here is with the train going north from A, going up to D; that is from Toronto to MacTier, with a set-off, or instructions to set off cars on the Port McNicoll side, or the Port side, as it is marked here, at E. The cars we have to set off must be set off on the Port side under instructions.

We are travelling from A to start the movement off, and at B we put into the siding or passing track.

Q The signals or the switches there are

controlled how?

A They are controlled by the operator in the station; they are electrically controlled. At the point B we nose in and the operator in the station has come out and will give us a note or a message that our cars are to be set off on the Port side. Depending on the traffic, he may put us up the main line up toward C.

Q You are put either on the main line or the passing track, depending on the traffic?

A Yes, sir. At the point C the head-end trainman, the train will stop and the head-end trainman will cut off the cars to be set off on the Port side, which is on the left over in E.

He then proceeds with the engine and the cars to be set off, and depending on the operator at the station he may pass to D or he may pass to H, depending on just where he wants to put us up there. We make up our back movement.

Q Does it make any difference as far as what you are trying to draw to the Commission's attention whether he puts you on the Orillia line or on the MacTier line?

A No, sir, it does not. I felt that going onto the Orillia branch would improve it; it does, but not that much,

as you still have your problem at D or H, depending on the place he has put you.

You pull clear of the signal which is just above the letter H and below the letter D you will see another signal. You pull out the cars to set off clear of that point. These cars are behind your engine.

After receiving a signal to back up you make a reverse movement down towards the letter E and that is where the difficulty comes in. At a point a shade south of the Canadian National main line towards E is the curvature. We have found from practice that with a one-man operation we have always relayed our signals to the fireman.

BY THE CHAIRMAN:

Q What do you mean by one-man operation?

A In this move it has always been the practice, at least I have always done it --

Q You mean one trainman?

A One trainman. The head-end man is making this movement.

BY MR. LEWIS:

Q Where are the other two trainmen? at the time when you are doing this

A In some cases your head-end trainman will come up --

BY THE CHAIRMAN:

Q The rear-end trainman?

A The rear-end trainman and the conductor are back at the letter F or below the letter F on the crossing.

Q You said the head-end trainman might come up, you meant the rear-end trainman?

A The rear-end trainman might come up. We might have received instructions at the station that we are to lift cars out of G. There are three sidings in there, and it could be there are cars for us to lift to take north to MacTier.

They may be over checking the cars, taking the hand-brakes off and coupling up the nose-bags, while the head-end man makes the move.

Then I will come back and our train goes into G, lifts our cars to go out of there. The actual time element is what you are trying to beat. You would like to get to MacTier just as soon as you can as you have trains to meet and so on. So it has been the practice that one man has been doing this move at Medonte and with that one man the signals are relayed and have been relayed, and as far as I know they still are relayed to the

fireman between the Canadian National main line and the point E.

At the point E, once your engineer gets onto that curve and you can see him there the signals are then relayed back to the engineer at that point, but between the Canadian National main line and E on that curvature we have been using the fireman for the signals.

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BY MR. LEWIS:

Q And if you didn't do it yourself, if either one or both of the other men were up there with you, could you position the crew so as to give the signals to the engineer around that curve from the C.N.R. main line to the point of"E"?

A Yes sir, they could be positioned. As I mentioned before, the time element is here. Yes, they could be positioned. Then again, for argument's sake, we have a situation where one of our way freights was setting off here and they had the entire crew up there doing the move and one man was watching the other. They were backing into track No. 2. There were cars in 1 and 3.

Q Of which?

A In "E" yard on the port side, and the one man was relaying signals from the man on top of the cars to the engineer. The man on top of the cars went out of sight of the signal passer momentarily and he missed a signal and they ploughed into some cars and the man has not worked in five years yet. He is still laid up from the injury.

So it was a situation that with cars in 1 and 3 and you are trying to shove in to 2, you are still going to have difficulty relaying your signals to the engineer providing you have a number of cars and the

engineer is around that curvature. If I may explain a south move, sir --

Q Certainly.

A That is another problem we find here. Coming from "D" to "B", we will say, through the passing track you are coming south, and coming from MacTier to Toronto we have the same set-up at the point of "F". Between "F" and "B" you will notice the curvature. So the engine is pointed towards "A" and from "F" and "B" the curvature is on the fireman's side and there too when you have cars to set off into "G" yard, as I call it, "G" yard -- it is actually three tracks, three or four tracks -- from that point there we also relay signals to the fireman.

We have tried doing it to the engineer, but just to the left of your C.P.R. main line at the crossing there there is quite a ditch and from the crossing on to the station you could place a man there and then he would be out of sight of the other two men that are trying to do the switching.

So we have found from practice that we have been relaying signals to the fireman at that point also on a southerly move.

Q On the Subdivisions that you have worked on, Mr. Sheflin, do you know whether there are

any trains that run a little irregularly, not every day and so on?

A Yes, sir. We have time card trains that in some cases run north on Friday and they run back on Sunday. They are passenger trains. They are specials, and we have what they call the steamboat train running to Port McNicoll. That runs up one day and it will skip a day and down the next and will run up one and down the next, and they only run certain months of the year and with your change of time card we could work for three weeks to a month, maybe a shade longer, with the train being annulled every day.

Q That would be transmitted to you by train order, I suppose?

A That is correct, sir. Day in and day out you would receive annulment of this train on certain days, and it has happened where it has been forgotten. These trains -- you get in kind of a rut of receiving an order that the train is annulled and then one day you do not receive it, and that is what happened this particular day. They did not receive the order.

They had been ordered north the night before and through the overnight trip they were still going north and they forgot what day it was and they had overlooked the

fact this train was starting on that day and they met him. There was nothing happened but they met him on the main line. The block signals were the saver, I believe. But it is possible -- that is just another thing you have to look out for along with your orders. You are protected by orders but, as I say, you can forget a day and slip up. You are so used to receiving annulment of the train that one day you do not get it and you figure this is Tuesday and the thing runs on Wednesday and you get --

Q You get caught?

A That is right.

Q A little point that has arisen in some of the evidence here was whether the company requires trainmen to obtain the standard watch immediately, and I have asked you to look into that. Will you give the Commission whatever information you have gathered on that?

A Well, from my own experience I was about four to six months before I received my watch or rather before I bought it. I had worked with a wrist watch but not a standard railroad watch, and through talking to the different witnesses we have had down here off the C.P.R. their experience has been the same. I went back to Toronto and I checked a few of the newer boys

that have been hired on we will say in the last year and a half and their story is and the proof to go with it is the fact that they have worked four to six months without a watch.

We have a young lad working there now. He is going into his seventh month and has not got a watch and he is working on the main line. It is a little expensive for a young fellow starting out to buy a watch right away because they are not sure they are going to stay on.

Q I was going to ask you whether under your trainmen's agreement there is a probationary period or not?

A There is a probationary period for trainmen, that is, a six months probationary period. Then he goes on the seniority list, but it has nothing to do with the watch situation.

Q I appreciate that, Mr. Sheflin. During those six months what, if any, are the consequences or what remedies has he got should he be let go by the company? Is he protected by the agreement?

A Well, under the union dues agreement he is protected by the union at the present time but I do know of a case where a trainman hired on, he worked for four months and was advised by the officer, by the assistant superintendent that

after the six months period was up he wouldn't be required any longer. They let him work the six months.

THE CHAIRMAN: What is the relevancy of this evidence?

MR. LEWIS: Well, I must admit that it is a very small point. I understand there is this probationary period during which young trainmen might be let go without some of the remedies that might be available so they do not make them spend the $100 odd for the standard watch.

THE CHAIRMAN: How are we concerned with that here?

MR. LEWIS: It is one of the differences between the training and preparedness of the fireman and the trainman on the head end, sir.

MR. SINCLAIR: I take it what my friend is saying is that instead of making this a requirement somebody is being lenient with regard to the trainmen.

MR. LEWIS: I am not arguing the point at all. I am not sure whether I will think it is worth wasting time on in my argument but I thought I would just put a little bit on the record. It did not take very long.

BY MR. LEWIS:

Q Finally, Mr. Sheflin, you were yourself

involved in some road crossing accident. I should like you to tell the Commission about that.

A I am not too sure of the date of this, sir. It was the last day of the Exhibition last year, I believe, and the crossing accident took place on the Campa Division between Campa and Obico. That is our trackage that takes us out to the C.N.R.

BY THE CHAIRMAN:

Q You were coming west?

A We were going south to lead out onto the C.N.R. to go west, yes sir. At this point we received, we get a signal from the tower man at Campa that permits us to go out on to the C.N.R. There is a distance of 37 carlengths from the crossing I will be speaking of, between this signal and the crossing there is approximately 37 car-lengths.

This particular night we had two yard diesels coupled together using them on the main line and we had, I believe, 52 or 53 cars, and that would not permit us through the distance to come up over the crossing so we stayed back.

We stayed there approximately an hour and ten minutes and I was instructed by the conductor -- we had a fairly new engineer. He had only been set up a short

while and the fireman also mentioned it to him, that we would have to more or less help him. The characteristics were that the fireman would help him, show him where to put on the brake and so on. He had a rough idea but a little help wouldn't hurt him at all.

So at any rate we stayed back clear of the crossing until we received the signal. We stayed there, as I say, approximately an hour and ten minutes. When we did receive the signal the engineer hollered over, "Yellow on the bottom ."

BY MR. LEWIS:

Q Yellow on the bottom?

A Yes, the block signal. I was sitting on the fireman's side. It had been raining real hard and I had my hat and my gloves and so on on the engineer's side on top of his heater trying to get them dried out.

When he hollered this indication of the signal I immediately went over to his side to be sure that he had the right indication and the right signal that he was looking at. When I got over the engineer turned on his headlight, turned on the bell and whistled for the crossing and we just started to proceed. He just released the brakes.

It is a downhill grade there and he just touched the throttle enough to start

it ahead and we moved about two and a half carlengths. We were sitting approximately four carlengths back from the crossing and moved about two and a half to three carlengths when the fireman hollered, "Soak her", the fellow was not going to make it, and the engineer immediately applied the brakes and we caught the car.

He was trying to beat us on the crossing and we caught him. He just made it over. Through the application of the brake there was a little shove from the slack but the brake still held him. We went 10 feet over the crossing and he had just made it and that was all.

Q Did you touch the car at all?

A Oh yes, there was a little damage on the back door and back fender. That was about it, but the officer investigating, the police officer, he had mentioned to the fellow he was lucky that the party saw him and that we at least applied the brakes.

The officer was quite surprised we had gone such a short distance after contact with the car and he mentioned to the fellow he was very lucky that we were not going a little faster or he would have had it.

MR. LEWIS: That is all I have, Mr. Chairman.

BY MR. SINCLAIR:

Q I gave the file on this crossing incident to which you have just referred to my friend and he says he has given it back to me. Mr. Sheflin, as I recollect it, the engineman said in that investigation that he had the brake on when the fireman called. Do you remember looking over this file after you asked Mr. Lewis to get it from me?

A That was my own statement that I had given Mr. Lewis. It was not a file. It was my own statement.

Q No, I have got the file.

A No, I am sorry, I haven't seen the file, sir.

Q You were up on that cab?

A Yes sir.

Q You were on the lefthand side, were you, the same side as the fireman.

A On the engineer's side, when it happened.

Q What were you doing over there?

A Getting gloves and a hat that were soaking wet. As I said, the indication of the block was given and I crossed over.

Q You had no work to do over on that side - you went over there, you walked over there and the fireman was alone on the lft side at the time, is that right?

A I went over...

Q You went over to pick up your gloves?

A I had checked the indication of the block.

Q You couldn't see it from the lefthand side?

A No.

Q Did the fireman see it?

A No sir, it is on a curvature.

Q I will try to get that file, and I won't spend the time on it now.

On the matter of the watch file, that is Exhibit 116 in these proceedings; the requirements for that are set out at pages 8 and 9, the paragraph requiring the trainman to have the watch, and there are also arrangements set out there for payment.

Now, you started your evidence this

morning, Mr.Sheflin, by talking about how you made inspections. How does a fireman make running inspections?

A They will look back, sir.

Q Do they get off their seat and go out to the door to make their running inspections?

A No, they don't have to; they can look out the window.

Q On road switchers on the lefthand side you can make your running inspection from the trainman's seat in front of the fireman?

A Yes sir, on the fireman's side I can.

Q And the engineman makes a running inspection from the right side from his seat by looking back?

A Yes, at times.

Q He is required to do so by rule, is he not, when opportunity presents?

A When opportunity presents, at times, yes, as I said.

Q On steam power when the fireman was seated ahead he made running inspections just as he does today?

A Yes sir, at times.

Q And on a car body type, when there are two men on the engine running inspections are made of the train?

A By the trainman?

Q On passenger trains?

A Oh yes.

Q By the two men on the car body, looking back?

A That is right, sir.

Q Now with respect to the first of these exhibits, No.265, which is Oakville, there are two Canadian Pacific yard engines working there, and two Canadian National yard engines working there, are there not?

A I am not too sure. The last time I was out there there was one Canadian Pacific and two C.N.R. You may be right, but they don't always work in this yard - they are gone.

Q They work Oakville yard - they are yard engines working Oakville?

A At the Ford plant.

Q And down into the yard where you have been talking about Exhibit 265.

A They start at that point and finish at that point, but they are up in Ford plant.

Q They do work up in the Ford plant also?

A Yes.

Q These yard engines are all headed west?

A With the exception of one C.N.R., I believe.

Q One of the C.N.R. engines is headed east?

A He is headed east for switching uptown.

Q Have you observed these yard engines when they were working off the lead into the yard?

A Yes, I have worked that job.

Q In working that job do the yard men not all give signals direct to the engine?

A Yes, that is the practice unless they come to a spot where they will use the fireman for the sake of making it a little faster, to be quite honest with you.

Q That is for their own convenience?

A Yes, for their own convenience, to save time walking a distance.

Q When the road crews come in there headed west, you say the practice is for one man to make the cut off and to bring the cut down into the yard track No.1 by himself.

A Yes.

Q Now Mr.Sheflin, when were you last over there?

A You mean working there or just over there?

Q Let us take it when you were working first, if you have been over for other than work?

A It was quite a while ago. I was over there to visit it - I went and observed it last Saturday afternoon.

Q But you have not worked there for how long, is it some years?

A No, it was four months, just before I came down here on a through freight train we

set off there.

Q I want to be fair with you, Mr.Sheflin: There have been a number of observations made by company officers at this point.

A Yes sir.

Q At various times. One that I have before me is on March 14 with extra 8918, west, on which there was 19 cars cut off, one man working. The way he made the move he did not use the fireman: He cut the cars off and backed around, and when he came to the position he was riding the side ladders. Have you ever seen a man ride the side ladder in this location?

A Yes sir.

Q And when he came to the location where he thought the side ladder was going to go out of view of the engineman, he got off and walked a few feet north keeping in view of the engineman? Have you ever seen that done?

A I would do it once I stopped the train, but I am darned if I would walk out there and leave the point of the movement moving.

Q By that time, Mr.Sheflin the rear trainman had come up to protect that movement. The cut was made as you have said it, the cut was taken down over the crossing and backed up the lead, and by that time one of the other trainmen had come up to

protect the back point of the movement at E and bring the movement down into F, so that they worked with one man part of the time and part of the time two men, and at all times signals were given to the engineman. That is quite possible to do, is it not?

A I would say no sir, with all due respect to the officers that were there.

Q Why would it be impossible?

A Well, sir, with 18 cars down the lead from E to F as you said there is one man on the point of the movement, he has come up from the tail end....

Q Yes?

A He would be in around the approximate location of F or the end of No.2 switch. The other man would be up around the platform or at E.

Q Yes?

A Next to the engineer. The man on the point of the movement would go into 1 with cars, or 2 or 3, or 4 or 5 - he would be out of view of the other signal passer.

Q If he could make the move with one man, Mr.Sheflin -- if there is any difficulty at all, and I am instructed there is not -- but I understand the Commission is going over there, so I do not need to spend much time on it.

A Yes.

Q If you can make the move with one man you can always let the head man stay on the engine while the other man makes the move, and there is no difficulty at all.

A With one man on the engine?

Q Yes?

A Where?

Q The head trainman can stay when they are making the move on the lefthand side, and the other men do the switching work you have done when you have stayed on the ground.

A If I understand it, we would put the head end man where the fireman now is.

Q Let him stay on the lefthand side of the engine?

A All right. And we would pull clear of the crossing until the other man walked up, is that the idea?

Q The man from the back end would get the cut and take it across the crossing and give the signal, and he would work on the ground just as if you were doing it by yourself - the rear end crew staying back?

A And he in turn would relay signals to the lefthand side, to the trainman?

Q Yes?

A Yes, that can be done.

Q That can very easily be done?

A Yes.

Q Mr.Sheflin, I do want you to know that I have a number of observations where it was not done that way, but I will not take the time of the Commission to go over them; it can be seen, and I can call evidence in rebuttal on that if I decide it is necessary.

Then in Exhibit 266, that is Woodbridge, and we have discussed this move at another time and in another place, Mr.Sheflin?

A Yes sir, we have.

Q Again, you are making the drop on passing track switch?

A That is right.

Q Instead of making the drop out on the main line switch?

A Yes sir.

Q If you make the drop on the main line switch there is no difficulty at all giving signals direct to the engineman, is that right?

A Yes sir.

Q You have tried it?

A I did not try it; I was there when it was tried.

Q I again have instructions that it has been done that way, and as a matter of fact, Mr.Sheflin, the people that do this move say that it is unusual to make a drop at this location, but when they do have to do it they use the main line switch instead

of the passing track switch because it is safer. Would you not agree with that?

A No, I would not agree with it.

Q The regular crew, the conductor says he would not allow a drop to be made at that point because of the ease with which it can be made at the main track switch.

A With all due respect, I am hoping it is not the same conductor but I have been advised that they have made eight drops in the last two weeks - they have dropped 15 cars, and the drops have been made the way I said here.

Q Let me give you another way of doing the move that does not involve the drop at all: That is, you pull out, get the one car you have on your nose, you pull it out, you pull it in to the back track, cut it off, run around it ... that can be done.

A If you have the room.

Q If the back track is clear to enable you to run around it, it is not necessary to make a drop at all, is it?

A It is necessary to make the drop because the back track is not clear when I have cut off my car at point B - I couldn't get out the other end.

Q Why would you not leave your train up on the main line?

A The reason why I would not leave it on the main line when I am going down switching anywhere, is if anything goes wrong I end up on the ground, and the last place I want to have my train is on the main track; I want to pull it into clear.

Q You will always pull it into clear. It can be left on the main line track, clearing times with first and second class trains?

A Can be.

MR. SINCLAIR: I don't know, Mr. Chairman, if we are going to Woodbridge or not.

THE CHAIRMAN: There is no indication of it so far.

MR. SINCLAIR: Then we will cover this one by rebuttal evidence.

MR. LEWIS: If my friend is anxious, we can discuss it.

MR. SINCLAIR: I am not suggesting we go anywhere; it is you who is suggesting where we go.

Exhibit 267 deals with Medonte; we are going there at the request of the Firemen's Union. Any question about that, Mr. Lewis?

MR.LEWIS: It is on the list.

BY MR.SINCLAIR:

Q Mr. Sheflin, I just want to put to you, that crews at this location, after a number of tests were made by the Superintendent and other officers, have been instructed not to use the fireman as the signal passer; it has been checked, and signals are being given on these moves direct to the engineman. Do you know about that?

A Well, on the part of the Company officers going up there and trying the moves the two ways, yes, I know what the outcome of that was. On the instructions given to the crews, not to use firemen as signal passers, I do know that verbal instructions over the phone were given to the conductor, and they are still switching the way I have stated here - they were as of last Saturday afternoon, sir.

Q They are switching that way - are you saying they are doing that when the officers are there observing the move?

A Nobody does that sir, not when the officers are there, with all due respect to them.

MR. LEWIS: No questions, Mr. Sheflin.

BY THE CHAIRMAN:

Q You were telling us about the seating on the various steam engines and the facilities for lookout forward and to the side, or lack of facilities for lookout forward and to the side?

A Yes, sir.

Q Now, as a member of the train crew, are you not required to know the position of fixed signals and train order signals?

A Yes, sir.

Q Well, then, if you have this difficulty in seeing from these engines, what do you do about it?

A Well, in the one instance that I mentioned, sir, of these hand-fired engines, I know -- I am speaking for myself and from observation -- I would say that 95 per cent of the trainmen that work with me on this division, when it comes to these 2200's and so on, we will rarely ride up in that seat ahead of the fireman. We found standing in the doorway to be a better position to see and a safer position to get off in case of emergency or something, and we have been able to inspect our trains on the curves and so on much better from that location, sir.

Q Are there occasions when the trainmen do ride up in this position?

A Yes, sir, I myself, on a trip to Owen Sound, will get tired or something and I will sit up there.

Q Then, what do you do about signals and inspection?

A Well, sir, in sitting up there I usually sit up there facing the fireman, that is, with my back towards the front.

Q Then, I am asking you, what observations do you make about signals or inspection when you are up there, no matter which way you are facing?

A Well, I lean out the window in the summer-time. I will sit on the window ledge and I can look out. I have a good view then, that is, sitting back in the seat I should be in.

In the wintertime the fireman will call the signals -- at night it is all right, sir, the colour of your signals, they are very bright and they will come in through the foggy window or dirty window, and you can see them.

Q What about the daytime?

A In the day time, the indication,usually we will lean back or we will sit with our backs to the front, and we can look out, look back for observation or we can turn sideways or sit on the fireman's seat for

a moment while he is down shovelling and look ahead, sir.

Q Does that mean on every occasion where there is a signal, or an inspection to be made, you do see the signal and you do make an inspection, even though you have to go to one place or another in the engine to do that?

A Yes, sir, we must do that.

Q Always?

A Yes, sir.

Q And in the case of diesels, there is no difficulty about lookout?

A No, sir, not ahead. Our only difficulty is inspecting our train on the curves. We use the doorway to inspect our train. We will open the door on the engineer's side.

Q Whatever you do, you have no difficulty in inspection?

A No, not inspecting, but looking ahead while we are inspecting is the difficulty. My back is to the movement ahead and while looking back there is no way I can turn to look ahead and look back at the same time.

Q Nobody can look ahead and look back at the same time?

A So far as our lookout is concerned for, say, signals and your order board, and so on, on the diesels there is no trouble there.

THE CHAIRMAN: Then, we are adjourned?

MR. LEWIS: There are two or three things before us that perhaps we might clean up.

THE CHAIRMAN: Two or three things that what?

MR. LEWIS: Two or three things with which I have to deal, and if the Commission desires it, they might be cleaned up now.

Last Monday, my friend Mr. Sinclair asked Mr. Doull to look to see if he could find the notes he took on one of the trips with regard to the trainman having to go for a can of oil or something. Mr. Doull did find those notes. My friend asked about the trip in which this incident occurred and that is what I have got. He said some were missing and so on, but I have them.

THE CHAIRMAN: Well, put them in.

MR. LEWIS: I have the original notes of a trip by Alexander Campbell Doull, made April 26, 1957, on Extra West 8618. I want to draw to the Commission's attention that the writing on the fly leaf, as it were, is mine. I described what it was.

EXHIBIT No. 268 -- Original notes of trip by Alexander Campbell Doull, April 26, 1957, Extra West 8618.

THE CHAIRMAN: Have you something else?

H-5

MR. LEWIS: Yes, sir, at page 2980, of Volume 22, with respect to the witness Mr. George Russell, a matter arose regarding an exchange of letters between him, when he was local chairman in 1948, and the general chairman at that time. My learned friend asked whether my clients could not look up the records of Lodge 635 to see what was recorded in the minutes of the lodge, if this matter about the letter was dealt with.

I have, Mr. Chairman, a letter from the local chairman, Mr. J.T. Sparrow, which, with your permission, I should like to read. It is quite brief. It is dated June 8, 1957, and reads as follows:

"Dear Mr. Lewis:

This refers to your request for information in connection with the minutes of the regular lodge meetings of Lodge 635.

I am enclosing copies of all the minutes for 1948. There is no mention in any of these minutes of the letter you refer to, nor is there any mention of any instructions to Mr. Russell to write any letters in connection with diesel locomotives.

However, in the work report of the local chairman (Russell) for

> "the period April 4th to April 18th, 1948, copy of which is enclosed, Mr. Russell advised the members that he wrote to the general chairman, supplying information requested by him in connection with 3700's and diesel engines working out of this district."

Then, he draws a conclusion from that which I do not think I should read.

I have a copy of the work report and copies of the relevant minutes here for my friend. If he desires to look at the original minutes, they are being kept in Calgary and when we are there he can do so.

Then, in Volume 46, when examining the witness Connor, sir, I read from timetable No. 94 for the Alberta District, a timetable which was in effect up to the last of April, a requirement that firemen -- I am summarizing this -- the special instructions in the timetable were that the fireman was required to be in his seat looking out when coming to the White Avenue crossing, I think it is, in the city of Edmonton, the crossing I mentioned at the time. I said I was going to have a search made to see whether that was present in preceding timetables, and I have seen timetables -- without taking time to read them all -- some twelve or thirteen of them,

prior to No. 94 and the same kind of special instructions appeared in all of them. It is not present in the present one.

HON. MR. MARTINEAU: What is the number of that page?

MR. LEWIS: It is Volume 46, page 6534. That is all I have.

MR. SINCLAIR: I have two matters that I want to clean up. I was asked, with regard to the flagging of crossings, and I said I would look up the Railway Act. The sections in the Railway Act dealing with the matter of being on the point of the movement are section 313, subsection 1, and the Board's power to exempt, even having a man on the lead car, backing over a crossing, being then a switching move, is in subsection 2. You will recall Mr. Justice Martineau recollected the Board order that dealt with the matter and it was already filed. I do not need to read the sections of the Act; they are there.

Then, in Volume 36, pages 4958 and 4959, there was certain material requested by Mr. Lewis in connection with some evidence given by Mr. Crump. In Volume 41, at page 5672, when I put this material in, you will recall, Mr. Chairman, Mr. Lewis did not like the way it was worded, if I may put it that way, and he also wanted to know how the figures that were set out in the exhibit, which became Exhibit 198A,

were calculated. He wanted to have a look at it. We undertook to have Mr. Gossage meet with Mr. Lewis and show him how the figures were calculated on the working sheets; that has been done. I think Mr. Lewis is satisfied that he has seen how it has been done.

H-2 In regard to the wording, Mr. Gossage and he reached agreement on a recast, if I may put it that way, which I would like to file as Exhibit 198B. This really replaces Exhibit 198A, but I am not asking to have it stricken out, just put in Exhibit 198B. The effective document is now Exhibit 198B.

MR. LEWIS: I do not see why it would not be a little more convenient, if I may say so, with respect, and a little more sensible, to yank out Exhibit 198A and put this in its place. It is exactly the same document reworded.

HON. MR. McLAURIN: But you have the transcript.

MR. SINCLAIR: That is right; it is so far away from it that is why I made the suggestion; in so far as making a summation for the Commission, 198B is the effective document, and reference will not be made by myself, at least, to 198A, because it is 198B that my friend and myself are in agreement about.

THE CHAIRMAN: All right, then there is 198, 198A and 198B, and we understand

that 198B is really the more satisfactory document.

EXHIBIT 198B -- Rewording of Exhibit 198A.

THE CHAIRMAN: Is there anything else?

MR. SINCLAIR: I do not know if I have to do this on the record, but my friend asked for the names of the crews that the officers observed switching at Golden. I do not think I need to put them on the record, I will just give them to my friend.

MR. LEWIS: No, if I have the names that is all right.

THE CHAIRMAN: Then, so far as these sittings are concerned, we are adjourned until Tuesday next at Toronto, the University of Toronto, the Senate Chambers.

MR. LEWIS: It would be ten o'clock on Tuesday?

THE CHAIRMAN: On Monday we understand you will let us know, and that is one of the things I should like to see counsel about, where we are to meet, what time and so on.

MR. LEWIS: We will do that right away, sir.

--- The Commission adjourned at 1.00 p.m., to resume in Toronto, Ontario, on June 18.

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

54

PROCEEDINGS

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ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD SERVICE ON THE CANADIAN PACIFIC RAILWAY

Proceedings of public hearing held at Toronto, Ontario, Tuesday, June 18, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C., C.J.A. Hughes, Q.C.,	Representing the Commission
I.D. Sinclair, Allan Findlay,	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

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Tuesday,

June 18, 1957.

54th DAY

MORNING SESSION

--- The Commission resumed at 10.00 a.m.

THE CHAIRMAN: I think, gentlemen, if anyone at any time feels that he would be more comfortable during the proceedings with his coat off, he should just take it off.

MR. LEWIS: That is half the answer on a hot day like this. My next witness, Mr. Chairman, is Mr. William Lloyd Hopkins.

WILLIAM LLOYD HOPKINS, Sworn

MR. LEWIS: You may find it pretty warm standing, Mr. Hopkins.

THE CHAIRMAN: If the witness wants to sit down, he may.

MR. LEWIS: You may sit down if you like, but I personally find it cooler standing, sir. You may sit down if you wish, Mr. Hopkins.

THE WITNESS: No.

BY MR. LEWIS:

Q Mr. Hopkins, you have informed me that you have for the past three months been a fireman on passenger service out of London going both west to Windsor and east to Toronto?

A That is right, sir.

Q And that before that time you fired in pool freight service for some six or seven years?

A That is right, sir.

Q You informed me that you joined the Canadian

Pacific Railway on January 7, 1948 as a wiper in Toronto; that you were promoted to fireman in June of 1949, also in Toronto; and that you were classed as an engineer in March of 1955 but have not yet been set up as an engineer on any permanent basis?

A That is right, sir.

Q Although you have done some spare running, particularly in the Guelph yard?

A Yes, sir.

Q You transferred from Toronto to London only in 1950 and have been working out of London since then?

A Yes, since then.

Q You are a member of the Brotherhood of Firemen and are also at the moment local chairman of the London lodge of the Brotherhood?

A That is correct, sir.

Q And what is your record with the company as to demerits and merits?

A Well, there are no merit marks. While I was a wiper in the shop I received two demerit marks for failing to punch the time clock.

Q And nothing since then?

A No.

Q Have you had any experience in firing hand-fired engines?

A Yes, sir.

Q And would you put on the record some of the numbers of some of the hand-fired coal engines that you fired?

A 8900's and D-1000's; 2200's, 2500's and 2600's. Also 3600's and 3700's, and that is it.

Q And could you give the Commission some idea of your recollection of the time you spent on deck on some or all of the numbers you have mentioned?

A Well, on the D-10's - the 8900's and D-10's -- it would be approximately, I would say, about 35 to 40 per cent, as a maximum figure. On the 2200's, the 2500's and the 2600's it would be approximately the same. As far as the 3600's and 3700's are concerned -- oh, it would not run any higher -- absolutely no higher -- than 50 per cent of the time. It would be closer to 40 or 45 per cent of the time.

Q And did you or did you not receive any instructions with regard to your lookout duties while tending your fire on hand-fired engines?

A Oh, very definitely. You were to keep an eye for order boards, block signals, and you were supposed to look the train over going around curves and particularly at heavily travelled road crossings. You had to vary your firing so that you were in a

position to be there to see it when you were coming to it -- an order board or block signal -- you had to see them.

Q And your experience with these hand-fired engines would be mainly on what subdivisions?

A Oh, predominantly on the Galt and Windsor Subdivisions. Until I got into passenger service I was still firing hand-fired engines on the Windsor Subdivision. They are still in service.

Q In passenger?

A No, in freight service. They still have hand-fired engines in freight service.

Q Did you have any experience with stokers?

A Yes, they were intermingled with the hand-fired engines.

Q Can you remember any of the numbers of the stoker-fired engines that you fired?

A Yes. There were 1200's, 2300's, 2400's, 2800's, 3000's and the 51's, 52's, 53's and 54's.

Q And can you recall what firing duties you had to perform on the deck in stoker-fired engines?

A There was very little time spent on the deck in stoker engines. Maybe if I could give you an example you could understand it a little better. Like coming out of Windsor, you prepare your engine before

you leave the shop track and then continue to prepare it before you leave the yard. You prepare the fire, in other words. Once you start out of Windsor there it used to be my practice just through experience to go out to Walkerville, a distance of approximately three miles, without having to look at the fire, and particularly in the day time I would watch the smoke coming out of there. At Windsor I used to run the stoker off and take a good look at the fire. If there were any adjustments necessary to be made I would make them right then. After taking a good look at the fire generally there was not an awful lot to be changed say from there to Chatham, about 40 miles away, and I do not think I would even bother to look at the fire unless I thought I was in trouble.

Q And what about your lookout duties on the stoker-fired engines? Were they the same or different from the lookout duties you performed on hand-fired engines?

A Oh, no, no. You still had to see the order boards -- see and call the order boards -- and the block signals, and look back over your train to make sure there were no hot boxes. The thing was to see that everything was in good shape to the best of your ability and to keep a close eye.

Q In your opinion, Mr. Hopkins, on whom did

the engineer rely for lookout and for information as to meets and the like, or assistance to meets and the like?

A Through practice he generally relied a little more on the fireman. There has been an awful rash of new brakemen, and this is not intended as a reflection on the brakemen themselves, but it is just normal practice for the engineer to regard the fireman as the one he would call on to check -- to check back one against the other. If a reliable brakeman -- they used to make it a three-way spread, but predominantly it was the fireman the engineer would regard as

#2 his assistant.

MR. SINCLAIR: I did not hear the last few words of that sentence. You said the engineer would regard the fireman as what?

MR. LEWIS: His assistant. Is that right?

THE WITNESS: Yes, his assistant.

BY MR. LEWIS:

Q When did you first have experience with diesel engines?

A We got them on a scattered basis; about 1954, I think it was, you would get them occasionally, and once you started there were a few more. You would get them on second-class trains, predominantly, and that would be about the first regular

basis you could consider getting diesels on.

Q And when you first had experience with diesels, did you receive any training?

A Oh yes, when the diesels first came out there there were two road foremen who were put out to instruct.

Q Who were they, do you remember?

A One was Bob -- R. Anderson -- and another was R. Dow. They were two road foremen. And there was Ross Stocker, who at that time was a travelling fireman.

Q Did they ride with you?

A Yes.

Q What instruction did they give you when they rode with you on the engine?

A While you were in motion all three of them would take the firemen back into the engine room and explain what was going on so that you would be able to rectify anything that happened. You were supposed to be able to cope with problems that arose and reset devices that you were supposed to reset. It was your responsibility. I had one engineer and he said, "When am I going to go back?" I am not sure whether it was Dow or Anderson, but he said, "You don't have to worry; that is what the fireman is being paid for."

Q Did you receive any material to assist you?

A At that time, sir, we did get a red instruction book with the information as to the different types of units and repairs and what to do in the event of any breakdown -- or what you could do.

This was all explained in the book and it was given to you so that if you were not sure what to do when something did happen you could always refer to the book.

Q What exactly was that? If I may, Mr. Chairman, I would ask if that was an operating manual provided by the manufacturer or was it a book provided by the railway?

A I have one here in my pocket, sir.

Q Would you produce it?

BY THE CHAIRMAN:

Q What time was this?

A Time?

BY MR. LEWIS:

Q When was this?

A This was when the diesels first came out.

BY THE CHAIRMAN:

Q When would that be in your district?

A In 1954. During that time there was another copy which came out after this.

BY MR. LEWIS:

Q Just a moment, Mr. Hopkins, before you go that far. Let us just deal with this one.

A Yes.

Q We are talking about the Operating and Mechanical examinations, diesel-electric locomotives. I have asked to find the exhibit number. I think some of this was filed as an exhibit -- Form 505, I think.

MR. SINCLAIR: I do not think that was filed, Mr. Chairman.

THE CHAIRMAN: I do not recall it. I remember that it has been mentioned, or a similar document has been mentioned before.

MR. SINCLAIR: We filed the instruction sheet off the beginning of the form, and Form MP-505.

MR. LEWIS: That is what I have just said. It is contained in that. It is Form 505, and I forgot the MP when referring to Form MP-505, but the part of this relating to general examinations for helpers and the sheets comprised within Form MP-505 were filed as an exhibit. The number is now being looked up. I think perhaps, however, the whole thing could go in. I do not know whether or not my friend has any objection?

MR. SINCLAIR: When this subject came up before I suggested that it would be rather unnecessary to file the whole book because a lot of the material is not relevant. Some of it has to do with examinations on steam engines and things like that. I have been looking at the

copy produced by the witness and I see that it is an old copy. I do not even know if I could secure it. However, what we agreed on before, and what has been filed, Mr. Chairman, was the preamble and the Form MP-505, which is just part of that book. I can turn up the exhibit number. However, no other part of it was filed.

THE CHAIRMAN: May I see it for a moment.

MR. LEWIS: My learned friend is wrong. This does not have anything in it about steam. That is part of the booklet he is thinking of -- the other one is a much thicker book. This relates to diesel and air brake examinations and not steam.

THE CHAIRMAN: There is no use duplicating anything that is already in.

MR. LEWIS: I agree that there is no use duplicating anything that has already been put in, Mr. Chairman, but what is in, sir, is this. If you will look a little further on in the book, there are a few sheets which are preceded by a yellow coloured --

MR. SINCLAIR: What is in is the Form MP-505 under date of October, 1955, and instructions pertaining to progressive mechanical examinations for enginemen, firemen and helpers, dated November, 1955.

HON. MR. MARTINEAU: What number?

MR. LEWIS: Exhibit 147.

THE CHAIRMAN: Just a minute. This yellow sheet is Form MP-505 issued in August of 1954. The same thing is here except that it bears a later date.

MR. LEWIS: That is right.

THE CHAIRMAN: Well, that is in. What was the second thing you mentioned, Mr. Sinclair?

MR. SINCLAIR: The instructions pertaining to progressive mechanical examinations for enginemen, firemen and helpers. It is not in that part of the book. It was at the front of it. That is filed together with the fly sheet.

THE CHAIRMAN: Well, in addition to the pages that begin with the yellow sheet, which is already in, is there anything else you want to put in, Mr. Lewis?

MR. LEWIS: I think it might be worthwhile for the Commission to have the series on diesel examinations.

THE CHAIRMAN: We will put it all in, then. This is Exhibit 269.

THE SECRETARY: Do you have any copies?

MR. LEWIS: No, I have not.

THE CHAIRMAN: It is a red book entitled "Canadian Pacific Railway Company -- Operating and Mechanical Examinations for Locomotive Engineers, Firemen on Helpers on Diesel-Electric Locomotives".

EXHIBIT No. 269 -- "Canadian Pacific Railway Company -- Operating and Mechanical Examinations for Locomotive Engineers, Firemen and Helpers on Diesel-Electric Locomotives."

MR. LEWIS: Perhaps Mr. Sinclair could find some copies, I do not know.

THE CHAIRMAN: We will have to refer to the original, if necessary. The sections are under varied dates.

BY MR. LEWIS:

Q You received that book, now marked as Exhibit 269, and you were saying that there was also another one issued later?

A After that one came out there was another one that had the same type of instructions. It was an instruction booklet. I think it was two years more recent. There was quite a portion in it on steam engines and it was "Mechanical Examinations for Enginemen". I think that was the title. It contained information about steam and all the more recent diesel changes.

Q That, Mr. Chairman, as we know, has been withdrawn.

A Yes, you had to sign for them when they were issued, and I think last fall they recalled them all. Yes, it was last fall,

I think, and you naturally signed for them when they were returned.

BY THE CHAIRMAN:

Q Let me understand this. The latter book was recalled?

A Yes.

Q And Exhibit 269?

A Well --

Q Just a minute; was that recalled or superseded?

A Superseded.

Q It was superseded by the later one which was in turn recalled?

A Yes, sir.

BY MR. LEWIS:

Q On that point, Mr. Hopkins, can you remember whether the part in Exhibit 269, which deals with the examinations for diesel helpers, was changed in the later book?

A This general examination for helpers, I do not think this portion was changed in any great respect. I read through and I could not say for sure, but I could not notice any changes, not to my knowledge.

Q You say that Anderson and Dow and Travelling Fireman Stocker took the fireman back and showed him the various things in the engine that he could adjust if adjustment was needed. Those were not your words, but it

is roughly what you said. Were you given any other instruction or information at that time by any of these men with regard to patrolling or inspecting the engines?

A Oh yes. At first they just said, "You are to go back every now and then." One night when we were coming out of Lambton yard -- Ross Stocker was the one -- I used to make it a normal practice to go to Obico. That was March 10. We were over quite a few road crossings then; that is, when you first get away from the heavy city traffic. I used to wait until we were past that point to go back.

Q To go back?

A To go back and patrol the unit.

Q Yes?

A This one night Ross Stocker, as soon as we cleared the yard and the engineer opened the throttle full, he said, "Now is the best time," or "Now is a good time to go back."

Q Yes?

A He said, "There is no point in going back," or "You should not go back unless the motor is under full load." If you went back as soon as possible you would find out if there was anything before you went too far. And then he said that it was approximately between 20 and 25 miles -- depending on how much -- if there was anything the matter,

and he said that between 20 and 25 miles was approximately the time you should go back, and up until then nobody had specified any particular time, so when he said 20 to 25 miles I figured it out between four and five times a division, anyway. If you were having any difficulty that is another thing.

Q What kind of diesel engine were you on?

A An Alco.

Q What kind of diesel engine were you on when Mr. Stocker gave you this information?

A They were Alco car body types. I am not sure whether it was an A and a B or two A's.

Q I think what is relevant to the Commission is whether you were on a car body type or a road switcher type.

A At that time I do not think we had any road switchers in our division.

Q You received this instruction on a car body type?

A Yes, a car body type.

Q Have you or have you not had any experience with difficulties on diesel engines which you have fired and about which you have had to do something?

A What do you mean -- like just normal alarms?

Q Any experiences you have had, normal or abnormal?

A You get ground relays. There are ground

relays or engine overspeeds.

Q Let us just take them one by one. Have you had any ground relays? Have you personally had any experience with ground relays?

A Yes, sir.

Q And have you done anything about them when they have occurred?

A Naturally I go back and rectify them.

Q And have you done that on car body type engines or on road switchers or on both?

A On both, sir.

Q And have you had experience with ground relays in the lead unit only or in some trailing unit?

A It is hard to say. We have had them in both ends. They might occur in both the leading and the trailing units.

Q And when you have gone back to reset the ground relay, Mr. Hopkins, was the engine stopped before you went back or not?

A Oh no, you do it while in motion.

Q And if you had a road switcher type of unit as your lead unit and you had to go back to the trailing unit, did you do that while the locomotive was in motion?

A Yes, sir.

Q And did you, or did you not, or did the engineer, or did he not, take some precautions about the speed before you did that?

A I would not say -- the engineer, most of them, would say, "Don't go back." They would slow down. They would say, "Wait a minute," and slow down -- with or without a gangway. They would say, "Wait and we will slow down," depending on whether we were operating on level track or whether there was quite a bit of sway. You do not have to wait until you come to a full stop.

I can give you an example. As we were coming up Woodstock hill west, and had two road switchers. There is a severe grade there going up the hill. During the backward transition the engine overspeed tripped on the second unit. It is a poor place to stop, so in preference to waiting until we came to a stop, as there was no gangway, I stepped from one footboard to another, went up, found what the trouble was, rectified it, put the engine back on the line and we kept on going.

Q Were there or were there not any instructions at the time from the company that you must not move from one road switcher to another?

A To tell you the truth, sir, I could not tell you whether there had been a bulletin posted either before or after this occasion. I am not sure.

Q But you have seen such a bulletin?

A It seems to me I have, sir. It was before they seemed to be making it standard practice to put a gangway between two road switchers together. They were predominantly -- quite a few were without them. They did not have any gangway between the two units. There had been occasions when the other firemen had done it just to get over the road and keep on moving.

Q Now, Mr. Chairman, I would like to file as Exhibit 270 a sketch of the Galt yard.

EXHIBIT No. 270 -- Sketch of yard at Galt, Ont.

BY MR. LEWIS:

Q Will you, Mr. Hopkins, take the Commission step by step on a movement eastward through this yard?

Just to start off, Mr. Chairman, I might say that you, Mr. Hopkins, would be coming on from the west to point A -- the point marked A. I believe that is clear on the copy that the members of the Commission have, Mr. Chairman. You go along, as you told me, Mr. Hopkins, either on the Canadian Pacific Railway main line or on Track No. 1 or on Track No. 2, as the case may be, until you get to point B at the east of the yard, right?

A Yes, sir.

Q And your destination would be the yard on the north half of the sketch, marked D, is that right?

A Yes, sir.

Q Now, will you do that move, then?

A Well, sir, you normally pull out of the passing track at Galt, and if you have any cars to set off -- you see, you are in the hole --

Q "In the hole" being between the two switches?

A Yes, and clear of the main line. You enter the passing track at point A and you pull down the passing track eastward towards point B. Now, at one time it was bulletined that the car limit at Galt was 60, and it has been the practice to haul 60 cars. When you are passing down the passing track with 60 cars you have to be very careful because of the through crossings in the middle of the yard. Well, with 60 cars you cannot cut three crossings. If they are short cars you can cut two.

BY THE CHAIRMAN:

Q I do not quite understand what you mean when you say "cut three" and "cut two"?

A Well --

BY MR. LEWIS:

Q You cut the train so as to clear the crossing. The witness is saying that if

you have 60 of the ordinary cars you can clear only one of the crossings. If you have smaller cars you might clear two by cutting the train at both sides of the crossing. Is that right?

A Yes.

Q Please proceed.

A You proceed down the passing track towards point B. After leaving the head end trainman at Dundas Street, the main crossing there -- the reason being that Galt yard has two curves in it, one at point A in front of the station coming east -- a slight curve to the left -- and another at the overhead bridge over the Grand River Railway. There is a slight curve going east to the right.

Q That is that sort of square looking thing on the sketch?

A Yes, right beside point B. The trainman standing on the crossing with the gates down is in a position to see both the tail end at point A when it pulls in the clear and generally the head end, too.

BY THE CHAIRMAN:

Q He is standing on what side of the train?

A On the right-hand side of the train, sir.

BY MR. LEWIS:

Q That is south?

A Yes, towards the gate tower.

Q On the engineer's side?

A Yes. As soon as the tail end is in the clear you stop and he cuts Dundas Street.

Q That means?

A He separates or clears the crossing at Dundas Street. After he walks up towards the head end of the train on the right-hand side at point B while the tail end brakeman walks up and over to an area around the water tank slightly to the north of Track No. 6 there.

Q Yes?

A The head end trainman cuts the cars off that are to be separated from the train or set off, and then walks up to the main line switch at point C. He opens the main line switch at point C and the engine and cars to be set off clear of the switch at point C are spotted and then the head end trainman lines the switch back so that you can back the cars down the leg of the wye from point C on that north leg there around into the yard, the transfer at D.

In between this time the head end trainman has examined this yard and lined the switches for the proper track after making sure the yard is clear, and walks back to Samuelson Street to flag the crossing.

Q Why does he flag that street?

A Because it is busy, and he has to flag

the movements over it.

Q Is there, or is there not, any special instruction about it?

A There are instructions in the current edition of the time card.

Q And those instructions tell you to flag Samuelson Street?

A Yes, at both legs of the wye. At this time he crosses over to the fireman's side and stands to the east of the crossing at Samuelson Street, which is the westward point of the cars to be set off. As they enter the curve on the leg of the wye the trainman on the point crosses over from the right-hand side -- he either swings you down or just carries in -- but he crosses over from the right-hand side to the left. They are not supposed to do it, but sometimes they walk around a tank car and cross over, but they won't go over the top of a car. As soon as the head end trainman is lost to the engineer he can see the trainman standing in the middle of Samuelson Street flagging the crossing. The trainman standing in the middle of S amuelson Street, he can see the man riding the point of the cars, and he can transmit the signals to the fireman on the left-hand side, who would be back around the overhead bridge there over the Grand River Railway.

Now, the conductor would be over supervising the move in this area.

Q What area?

A Just about at point E, because transfer yard D has a curve in the middle of it, and there is an electric line which switches up in here, and you cannot see very well if the electric line is coming up the leg of the wye to point E, so this puts him in an area where he can see anything coming on the electric line, and he can see the brakeman standing on the crossing and he can watch and control the entire movement to set it off.

Q Into the yard?

A Yes, at D.

Q I understand that some of the tracks shown on the sketch are electrified, are they not?

#5 A Yes, sir. Tracks in the Galt yard, starting at the lower portion of the page, Tracks No. 2, No. 3, No. 4 and No. 6 are electrified. Both the east and west legs of the wye are electrified to the fouling point of the main line. That would be approximately at the point marked B on the east and just at the fouling point at the point marked A on the west. The entire yard at the point marked D is electrified and so is all the track running to the north.

Q You said, I think, Mr. Hopkins, that Track

No. 2 was electrified. That was the track above the passing track?

A Yes, the track above the passing track. It is not shown on the sketch, sir, but it is just east of the bridge off the lead. There is a crossover switch from Track No. 3 to Track No. 2.

Q Yes?

A And that permits the electric line to cut the cars that are for delivery to the Canadian Pacific Railway -- to use Track No. 2 as a track to put their cars in.

Q Is there or is there not any instruction with regard to riding the tops of cars when on electrified tracks?

A Yes, there is a special instruction in the time card. Would you care to have me read it?

Q Oh, just tell me what it is.

A You are not to ride on the tops of cars or give lantern signals from the tops of cars where there is overhead trolley wires.

Q And are there any in those tracks you mentioned?

A They are all overhead hydro wires.

Q If that is clear to the Commission, perhaps having made mention of this explanation, you could take us westward along the yard?

A Yes, sir. You pull into the passing track or off the main line and a similar

condition exists pushing in from the east from A to B as existed from B to A -- on the siding or on the main line. The head end trainman cuts the crossing at Dundas Street, and if there is sufficient room will cut Bond Street. He will go up and line the main line switch at A and let you out on to the main line, and then the engineer, after the trainman has made the cut and opened the switch at A, the engineer will pull the engine and cars to be set off westward over the bridge towards the river to clear the main line switch or the passing track switch at A. Now, the only way you can transmit signals to the engine crew there is from the platform of the station to the fireman. You cannot do it off the other side of the street or the tracks.

Q Why not?

A Well, there is a sharp down grade to Samuelson Street. It is very considerably closer to the bridge than is indicated in the sketch. If you were down on the street level -- there is an underpass there -- the brakeman could not see the engine because the river is lined with trees or bushes at the back of the school yard. The only way you can see is to look across from the platform to the engine, depending on how far out on the bridge it is and the visibility

is clear there.

Q Once you clear point A you start the reverse movement and back around from A to E on the west leg of the wye?

A Yes, on the left leg of the wye. The tail end trainman and the conductor have walked up during the interval and one flags the crossing at Dundas -- at the intersection of Dundas and Samuelson Streets -- and the other one will go around to a point on E so that they can see around the corner to see if there is anything around there. You see, the electric line could have an engine or cars around there. You cannot see around the corner marked on here -- (Exhibit 270) -- Canadian Brass Company Limited. You poke your nose around there and they transmit the signal slowly because it is a bad spot. After you have gone as far down the track as you can until the engine clears point E --

Q You mean as far north as possible?

A Yes. Then the engine starts a movement ahead still with the cars to be set off, and moves from E up the east leg of the wye towards point C until clear of the switch into the transfer yard.

Q That is a switch north of Samuelson Street?

A Yes.

Q And then you back up again?

A Yes, the same as you do on an eastbound

set-off.

Q And I do not think you told the Commission where the trainmen work as far as signal passing is concerned once you start backing up the west leg of the wye. You told the Commission you could only do it from the station platform when the engineer pulled the engine and cars out on to the main line past A, and then they start a reverse movement. And how are signals passed right up to the yard?

A Well, between point A and point E for the first part of the trip back -- the back-up movement -- the signals are given on the fireman's side and then, after you are at a point where the engineer can see the trainman at the intersection of Samuelson and Dundas Streets, they change over and the signals are turned back to the engineer's side to continue around the west leg of the wye past point E.

Q If that is clear, sir, I will go on to the next point. As Exhibit No. 271, I produce a sketch of the Guelph yard.

EXHIBIT No. 271 -- Sketch of the Guelph (Ont.) yard, freight sheds, etc.

BY MR. LEWIS:

Q In giving an outline of your service with

the Canadian Pacific Railway Company, Mr. Hopkins, I mentioned at one point, and you agreed, that you had run as an engineer in the Guelph yard?

A Yes.

Q You remember when that was, roughly?

A Last summer, sir. I was sent up there as an engineer relieving for the holidays.

BY THE CHAIRMAN:

Q As a yard engineer?

A Yes, sir.

BY MR. LEWIS:

Q Is there a yard engine there regularly?

A Yes, a three-shift yard job.

Q The point here you were wishing to explain to members of the Commission was a move westward?

A Well, sir --

MR. SINCLAIR: With the yard engine?

BY MR. LEWIS:

Q Would that be with the yard engine?

A Yes, sir.

Q Please proceed, Mr. Hopkins.

A Some of the cars are stored at point A by the long siding. You normally switch them out there and get the cars collected. It is clear track. You accumulate the cars to be put into point B and some of these tracks here --

Q Where?

Q
A At point B.

Q At the yard marked B on the exhibit, is that it?

A Yes. There are three tracks that run from the Canadian National Railways bridge northward that are blank tracks. Two of them service industrial concerns and one services the freight shed.

#6

THE CHAIRMAN: There are only two tracks --

THE WITNESS: The sketch --

BY THE CHAIRMAN:

Q Witness, let us not both talk at the same time because the reporter cannot do anything with that. You say there are three tracks in addition to the main line leading to Goderich?

A Yes, sir.

Q There are only two shown.

A There is one between the roadway and that long track shown on the diagram.

Q You mean there is one to the west of the freight shed and two to the east?

A No, there are two to the west, sir.

BY MR. LEWIS:

Q The witness, Mr. Chairman, suggests that there is another track going in a sort of curve westwardly just north of the word marked "Roadway" on the left-hand edge of

of the sketch and in that area between the curved track now shown going west and then straight north and that roadway, there is another track in there. Is that right?

A Yes.

THE CHAIRMAN: Does it take off from the main line?

MR. LEWIS: I understand from the witness that it takes off from the point of the main line in the other track -- the same sort of switch point -- if I understood the witness correctly.

BY MR. LEWIS:

Q Is that right?

A Yes.

THE CHAIRMAN: At a point under the bridge as shown on this plan, I suppose?

BY MR. LEWIS:

Q Yes, I think from the bridge. Would that be correct, Mr. Hopkins?

A Yes, there are two tracks cutting off the main line. One is underneath the Canadian National Railways and the other is at the south side underneath the bridge.

THE CHAIRMAN: Would you illustrate it on your copy of the plan, Mr. Lewis? I have not got it yet.

(--- With the assistance of the witness Mr. Lewis illustrates the point under discussion on the Commission's copy of Exhibit No. 271.)

BY MR. LEWIS:

Q What you have been talking about, Mr. Hopkins, is an industrial siding of some sort?

A Yes, it is used as an industrial siding or to store cars in there for some of the other industries at Guelph.

Q You were saying, Mr. Hopkins, that there are these three tracks. We now have the third one illustrated on the sketch. What happens then?

HON. MR. MARTINEAU: Does that not make it four?

MR. LEWIS: Four, including the main line.

HON. MR. MARTINEAU: No, five.

THE CHAIRMAN: There are three to the east and now two to the west.

MR. LEWIS: There are five tracks excluding the main line.

BY MR. LEWIS:

Q Now, Mr. Hopkins, please continue.

A The cars are to be pushed up. Having been switched at point A, the cars are run around --

Q Now, what do you mean by that?

BY HON. MR. MARTINEAU:

Q How is the engine facing?

A East, sir.

Q And where are the cars attached, to the

cab or to the nose?

A Well, to switch the long siding at point A and to switch the upper portion of the yard at point C, it is considerably easier if the engine is facing east, but to switch into the bottom portion of the yard at point B you have to push the cars in there and they are placed on the tail end of the engine.

BY MR. LEWIS:

Q The cab end of a diesel yard engine?

A Yes, sir.

Q And I believe you said that you run around the cars. Do you mean that you run the engine around?

A Yes, to put the cab end of the engine on the cars and push them up with the cars leading the engine down the main line between yard A and down to the point marked B --

Q You go along the main line, do you?

A Yes, sir.

Q The Canadian Pacific Railway main line?

A Yes, sir.

Q Up towards the Canadian National Railways bridge?

A Yes, the overhead bridge.

Q And the Canadian Pacific Railway line goes under that bridge?

A Yes.

Q Now, go on with your move.

A The switching that has to be done in here --

Q In where?

A In the yard at point B and the other industrial tracks, the cars are generally pushed up the siding at point B. I am referring to the cars that you have brought from the yard at A. And then you go into these two or three sidings to bring out the cars that you want so that you can get the cars that have been there first and put the newer ones in so they will be last serviced.

Q May I take you over what you have just said. You said that you take the cars you have pushed up from A into one of the tracks. Let us say it is the first track west of the main line. Do you just leave it there?

A Yes, sir.

Q And then you take the engine away and do some switching?

A Yes, sir.

Q Is that right?

A Yes.

Q And you switch out the cars you want to leave in the industrial siding?

A Yes.

Q And then you go back and take some of the cars you left on the track west of the main line and switch them out, too?

A You put them into the industrial siding, yes.

Q And where, if anywhere, is the difficulty with regard to signals and so on that you

want to draw to the attention of the Commission?

A Well, sir, there is a bridge over the river immediately south of the Canadian National overhead bridge and there is a sharp curve there as you can see on the sketch going towards Goderich. It is towards the right as the movement progresses, but that is the left side of the cab. With the car immediately behind the diesel engine the signals are all transmitted from the road crossing to the fireman over the bridge on an angle through the short side of the curve.

Q Just station the people.

A Well, one is on the road crossing --

BY THE CHAIRMAN:

Q Which road crossing?

A Underneath that Canadian National Railways bridge is a road crossing known as Allen's Road, which is a public road crossing. It runs the full length of the Canadian National Railways bridge only under it -- from the diagram or sketch you can see that the roadways curve in to the bridge at both ends -- and right underneath the Canadian National Railways bridge -- it goes over the river -- the road goes over the river more or less under the same bridge. The railway travels over the top of the public road.

Q The road runs east and west?

A Yes, sir, the same way as the bridge.

Q It is not shown on the sketch?

A It is a rather complicated thing to try and illustrate.

MR. LEWIS: It is not shown, sir.

BY MR. LEWIS:

Q There is no road under the bridge over the river, and there is a little bridge over the river under the overhead bridge?

A Yes, they are built more or less together.

MR. SINCLAIR: There are two bridges marked on the sketch. I cannot follow this. Is that the one marked on the plan?

BY MR. LEWIS:

Q It is the one marked "Canadian National Railways Bridge", is that not right?

A Yes. That is both a joint Canadian National Railways bridge and the public road crossing. The tracks are on top of the public road crossing or above it.

Q One of your trainmen stands at the public road crossing, and is that above or on the same level as the Canadian Pacific Railway track?

A It is on the same level as the Canadian Pacific Railway track.

#7

Q He stands there, and where are the other two men?

A They are working these tracks. These tracks are obstructed.

Q Which tracks are you now talking about?

A The two to the west.

Q The tracks in the yard marked B?

A Yes, the two to the extreme west. In between the two tracks they pile lumber like in a lumber yard and to the west of both tracks is a baling materials storehouse and a long shed-like building. When they are switching up in there it takes the two men. The two of them just have to spread out around the curve so that one can see the other and see where the cars are going.

Q They are all ahead of the movement, are they, as the cars are being backed in?

A No, the third man -- you see, you have to flag over this Allen's Road underneath the Canadian National Railways bridge.

Q Yes?

A Now, if the engine should run clear of the crossing the yardman who is closest to the engine goes back and flags the crossing for the reverse movement and if you pull the cars down towards east, he stands there at the crossing to flag you when you move the other way. There are two switches he generally does the work on.

Q And I believe you said that the other two men are on the western track in the B yard?

A Yes, in the B yard, closest to the road.

BY THE CHAIRMAN:

Q So the whole thing is done on the fireman's side?

A Yes, sir. You cannot work off the engineer's side because there are buildings in here. There is a feed mill immediately adjacent to the roadway and at the point where it says "Private Road". That private road goes into a factory and further around the curve to the east it is more difficult. The farther around the curve to the east you get the more you are obstructed by the feed mill and the factory which you normally switch on the left-hand side -- the fireman's side -- of the cab.

THE CHAIRMAN: Are we to see this location?

MR. LEWIS: Guelph? I have not wished that on you, sir. I had to cut it somewhere.

THE CHAIRMAN: All right, we will wait and see.

MR. LEWIS: I am not saying you should not see it, sir, but I felt there was a limit to the number of places I could ask the Commission to see. It would take a considerable amount of time to visit all these places.

BY HON. MR. McLAURIN:

Q How many yard engines operate in the Guelph yard?

A There is one which works yard service -- it works three shifts -- at the Guelph yard, sir.

There are six first-class train each way per day.

Q And only one yard engine?

A Yes.

Q A diesel?

A Yes, sir, at the present moment.

BY MR. LEWIS:

Q Do you know if any road freight crews do any switching in the Guelph yard or do they just leave their trains or cars in the sidings?

A No, the road freight jobs working into and through Guelph are assigned freight jobs and they do some switching both in the yard at the point on the sketch marked C and at the point marked A, but one of the functions is to make up the trains.

Q There is one other place for which we do not have a sketch to present to the Commission and which you have informed me is a very recent addition to trackage at Orr's Lake. Would you describe that in words as clearly as you can for the benefit of the Commission?

A Yes.

THE CHAIRMAN: Where is it?

BY MR. LEWIS:

Q First, where is it?

A Approximately three miles west of Galt.

THE CHAIRMAN: Did you say Orr's Lake?

MR. LEWIS: Yes.

BY MR. LEWIS:

Q What is it, as far as the railway is concerned?

A It is a newly opened gravel pit.

Q Do you know how long ago work was started there?

A Of course, it is railway work I am talking about. I do not think it would be any more than two weeks ago.

Q And can you as clearly as possible in words -- and I realize it is not an easy task -- and as briefly as you can, describe what you saw? Did you yourself see it?

A Oh, yes, sir.

Q Would you please describe, then, what you saw?

MR. SINCLAIR: Was he working there or just observing?

BY MR. LEWIS:

Q Were you working there or observing?

A No, just observing. It is rather difficult --

Q Let me try to help you with questions, if I may. How many sidings or spurs or whatever you call it are there into the pit?

A One, sir, off the main line.

Q And would you come from the west or from the east in order to work this siding at the pit?

A As it has been so far, you come from the west preceding --

MR. SINCLAIR: Preceding?

MR. LEWIS: Proceeding?

THE WITNESS: Proceeding. You come from the west proceeding eastbound with the empty cars to go into the pit. You take the cars in after pulling by the switch into the pit.

BY MR. LEWIS:

Q And the siding -- assume for the moment that the main line is level east and west -- does the siding branch off to the north or the south from the main line?

A To the north.

Q And does it curve to the left or to the right as it branches off?

A When backing in, if you are facing the direction of the movement it curves off to the right, but you have to back in.

BY THE CHAIRMAN:

Q Well, the main line runs east and west?

A Yes, sir.

Q And the siding runs to the north?

A Yes, sir.

Q And you have to get on the siding from the west?

A From the east, sir, and you back into the siding.

BY MR. LEWIS:

Q You go along the main line past the switch and back in?

A Yes, sir.

Q And when you back in the fireman is on the

north side of the engine and the engineer is on the south?

A Yes.

Q And you say this track which curves off is a right-hand curve, but backing in it is on the fireman's side?

A Yes.

Q And is there anything on either side of that spur -- that spur or siding -- normally?

A Yes, sir. They pile gravel on the north side of the spur so, I would imagine, this is for faster loading of the cars when they get there. I mean the scrapers. They bring it in and it is crushed and brought in and piled right beside the track. The piles are quite big. The engine and cars can hide down behind the piles of gravel.

Q They are higher than the engine or cars?

A Yes, they are higher than the engine or cars.

BY THE CHAIRMAN:

Q Those piles are on both sides?

A No, on the north side only.

BY HON. MR. MARTINEAU:

Q That would be on the side of the fireman?

A Yes, sir.

BY MR. LEWIS:

Q How are signals given as you back into the siding?

A The head end trainman gets up on top of the

pile of gravel and receives his signals from the conductor and the tail end trainman that are pushing the cars in. He transmits his signal from the top of the pile of gravel to the fireman on the left-hand side of the cab #8 and he in turn tells the engineer.

Q Let us get the sequence of the relay. Who gives the signal first, the conductor or the rear end trainman?

A Yes, one or the other.

Q To the head end trainman on top of the pile of gravel?

A Yes.

Q Who then transmits it to the fireman?

A Yes, sir.

Q And he in turn transmits it to the engineer?

A Yes, sir.

BY THE CHAIRMAN:

Q Is this a road movement?

A Yes, sir; it has been so far.

MR. LEWIS: Perhaps in view of the heat, sir, this might be a good moment for a break.

THE CHAIRMAN: Very well.

--- The Commission took recess from 11.00 to 11.10 a.m.

--- After recess.

THE CHAIRMAN: Yes, Mr. Lewis:

MR. LEWIS: I have no more questions, Mr. Chairman.

THE CHAIRMAN: Mr. Sinclair?

MR. SINCLAIR: Yes, thank you, sir.

BY MR. SINCLAIR:

Q Mr. Hopkins, possibly the best way to deal with the matters I wish to ask certain questions about is to deal with these examples first and then go to your general evidence. Now, the last example you dealt with was Orr's Lake. No sketch was submitted for that so we do not have an exhibit, but as I understand it, you were going eastbound and you were intending to set off cars in the spur which is north of the main line?

A Yes.

Q Are you backing in?

A Yes, sir.

Q How many cars would you have?

A Twenty or twenty-five.

Q You would have twenty or twenty-five cars and at the northeast of the spur as you are backing in there is gravel?

A Just at the extreme east end of the siding.

Q So that on the fireman's side there are

piles of gravel for part of the spur, correct?

A Yes, sir.

Q And at the west of the spur -- the west and the south of the spur, as you back in -- what kind of ground is there?

A To the west and south, sir?

Q Yes?

A The ground is level, sir.

Q It is level?

A Yes, sir.

Q And are you suggesting that it is necessary for signals to be given on the fireman's side when making these moves, and that you have seen it done?

A I have seen it done that way.

Q So you are not saying it is necessary?

A What would you suggest as an alternative?

THE CHAIRMAN: You just answer the questions, witness; do not put any to Mr. Sinclair.

BY MR. SINCLAIR:

Q You were saying, witness?

A One of the difficulties in transmitting the signals on the right-hand side is that at the extreme west end of the field there is a field limit. I do not know whether it is the western boundary of the property that is being used as a gravel pit, but down the fence there are trees and bushes intermingled with what I think is one of those

crooked fences that farmers use and it is built up into a line and it is lined with foliage.

Q Did you try to place the crew when you made your observation so that signals could be given to the engineman?

A Pardon?

Q Did you try to place the ground crew when you made your observation so that the signals could be given direct to the engineman?

MR. LEWIS: I imagine not, if he wanted to keep his job.

THE WITNESS: I would not be in any position to advise the ground crew how to do their job, sir.

BY MR. SINCLAIR:

Q Do you know this location well? Rather than climbing on top of the pile of gravel, could not one of the man ride the point car on the side?

A Yes, sir.

Q And one man could be at the apex of the triangle formed by the curve, could he not? Do you know what I mean by that?

A No, sir, I am not quite sure. I would not want to answer until I was sure.

Q Where the curve starts to swing to the north, one man could be placed there where the ground was level, could he not?

A Well --

Q That would be west of the track -- the spur track -- and between the spur track and the main line?

A I just don't know.

Q Perhaps we will let you make a little sketch and perhaps we could file that as an exhibit.

A I am afraid I am not much of an artist, sir.

Q We could mark the top of this sketch "North"?

A Yes.

THE CHAIRMAN: You have a sketch, have you? This will be Exhibit 272.

MR. LEWIS: The witness did not draw that sketch, sir, and I do not know whether he agrees with it or not.

THE WITNESS: I prefer to draw my own sketch.

MR. LEWIS: If he prefers to draw his own sketch, let him do so. It may not be as good as Mr. Fraser's, but it will help us.

MR. SINCLAIR: That part of the sketch you are now working on would be east?

THE WITNESS: I will mark the sketch as to directions, sir.

(-- Witness prepares sketch.)

MR. SINCLAIR: This will be Exhibit 272; would you mark it? The witness has drawn a small sketch, Mr. Chairman.

THE CHAIRMAN: Exhibit 272.

EXHIBIT No. 272 -- Sketch of Orr's Lake siding prepared by witness W.L. Hopkins, June 18, 1957, showing gravel pit, spur, main line and siding.

MR. SINCLAIR: Perhaps, Mr. Chairman, it could be marked Orr's Lake siding?

THE CHAIRMAN: Yes.

MR. LEWIS: If it would be of help, sir, I could undertake to have copies made if the Commission desires it.

THE CHAIRMAN: It is a pretty simple sketch, I imagine.

THE WITNESS: I am not exactly an artist, sir.

BY MR. SINCLAIR:

Q Now, witness, looking at Exhibit 272, you said that one witness was to be --

MR. LEWIS: One trainman.

BY MR. SINCLAIR:

Q Yes, one trainman was to be where the curve moves to the north and the other man, you said, would ride the point. Could the signals not be relayed standing down here at the point of the triangle to the engineman?

A I imagine, sir, there would be considerable difficulty in trying to get the engineer around through here where he could see everything if the man at the apex of the

triangle could see the man riding the point.

Q You do not think it could be done if he moved further south?

A I have never seen it done, sir.

Q I am asking you can it be done?

A I honestly could not tell you, sir. It is a new position. I would not even want to commit myself to that extent.

Q How long were you there when you made the observation?

A One full set-off. A set-off on a lift.

Q About how long?

A Oh, an hour or an hour and a half.

Q What date was this?

A Date?

Q Yes? Last week?

A Yes.

Q Or a month ago?

A No, the pits just opened Saturday.

Q Last Saturday?

#9 A Yes, Saturday or Sunday.

THE CHAIRMAN: The 15th?

BY MR. SINCLAIR:

Q You were there on Saturday the 15th and they set off 25 cars?

A I said between 20 and 25, sir. I did not count the cars.

Q They set off between 20 and 25 cars and lifted how many?

A I am not sure. I think it was 20 cars,

if I remember correctly. It seems to me they set off more cars than they lifted.

Q And throughout the operation all the signals were relayed through the fireman?

A Yes.

Q And on the lift how were the signals relayed?

A The lift is made --

Q How were they transmitted?

A On the right-hand side.

MR. SINCLAIR: On the lift all the signals were given through the engineman directly and on the set-off you said they were all given on the fireman's side through the fireman.

MR. LEWIS: I am sorry to interrupt, but the witness was going to say something. I do not know just what he had in mind, but obviously it is important whether they lifted and set off on the same position or spur. I think he was going to tell you how the lift was made.

BY MR. SINCLAIR:

Q Let us start again, witness. I said that all the signals were relayed through the fireman, is that right?

A When you set the cars off you push them by the gravel piles and when you lift the cars you lift from the gravel piles and --

Q Listen to me, and answer the question, would you mind? On the set-off, were all the signals relayed through the fireman last Saturday?

A No, sir. All the signals? No, sir.

Q On the set-off?

A On the set off? No.

Q You mean they started the move by giving signals on the engineman's side and then went over to the fireman's side?

A Yes,sir.

Q When did they go over?

THE CHAIRMAN:

Q Well, how were they given?

A Well, like, they start the set-off and change over as soon as the point -- well, it is difficult to explain --

MR. LEWIS: Look at the sketch. It might help you.

BY MR. SINCLAIR:

Q Looking at Exhibit 272, Mr. Hopkins, you say the move is started by giving the signals on the engineman's side, is that correct?

A (No audible answer.)

Q After you have pulled east of the switch or the spur to start your back-up movement the cut-off is made, and are those signals then relayed to the engineman?

A Well, like, the signals are given to the engineman when you come up here --

Q Up where?

A Around east to get the cars back.

Q Just a minute, witness. We have to get this on the record, and references to "here"

and "there" are not intelligible. You pull up and stop west with 20 some odd cars west of the spur switch --

THE CHAIRMAN: This is on the main line?

MR. SINCLAIR: Yes.

BY MR. SINCLAIR:

Q You pull your train up and stop some 20-odd cars back of that switch, is that not correct, and cut off and then pull east and then back into the spur?

A Yes, you pull east and back in.

BY THE CHAIRMAN:

Q But the cars to be put into the siding are east of the switch?

A Well, --

MR. SINCLAIR: They cut off and then pull east, leaving the balance of their train west of the spur switch.

BY MR. SINCLAIR:

Q Now, when you cut off and pull east, are the signals relayed to the engineman?

A Do you mean when you are pulling the set-off east of the switch?

Q Yes?

A Yes.

Q And one of the brakemen sets the switch?

A Yes.

Q And after the switch is set for the spur the back-up movement commences?

A Yes.

Q And at the commencement of the back-up move, are the signals relayed to the engineman directly by the ground crew?

A Until you get to the point --

Q At the commencement of the back-up move are the signals relayed directly to the engineman?

A Yes, sir.

Q They are?

A Yes, sir.

Q And as you move further along the spur towards the northeast, the west and the northeast, how far do you go west on Exhibit 272 on the spur before the crew change?

A Like --

Q Their position from the right side to the left side?

A When you get the tail end around here -- that is when -- you see, there is a point in here when you rather lose one another.

Q Are you saying, witness, that the men work on the south side of the move until some point when the lead car of the back-up movement is about opposite the end of where it is marked "Gravel" on Exhibit 272?

A Yes.

Q Is that correct?

A Well, approximately, sir.

Q Approximately?

A Well, all right. The most westerly of the

marks on Exhibit 272; that is marked "Gravel".

Q At that time is the movement stopped?

A The whole movement stopped?

Q Yes?

A No, this is an interchange.

THE CHAIRMAN: The answer is no. Just take it one step at a time, Mr. Hopkins.

THE WITNESS: I am sorry, sir. I am not quite used to this procedure.

BY THE CHAIRMAN:

Q Mr. Hopkins, just take it one step at a time and listen to the question and answer that question. I understand that your answer to the last question is no, the movement is not stopped at that point, is that right?

A No, sir, it was not stopped.

Q All right. Now listen to the next question.

BY MR. SINCLAIR:

Q You have only seen this move done once?

A Yes.

Q And on this one occasion the movement did not stop, but what happened with respect to the two trainmen and the conductor who were, up until that time, on the ground between the main line and the spur?

THE CHAIRMAN: Were they? Were the whole train crew on the ground?

BY MR. SINCLAIR:

Q Were the three members of the train crew on the ground?

A There was one trainman riding the tail end of the cars up here.

Q That is right?

A And he started in and the conductor and the trainman crossed over here --

Q Wait just a minute, witness. When did the trainman and the conductor cross over to the north side of Exhibit 272?

A Just while the other trainman was bringing the set-off up here.

Q What you are saying is that the cut-off -- the movement to the east -- and the commencement of the back-up movement were all done by one man -- one trainman?

A Yes, sir.

Q And the other two men, all they did was just stand back here as the movement came back?

A This is what their instructions are. I am not sure whether the conductor goes over and asks the men that are working in the yard how they want those cars put in or not.

BY THE CHAIRMAN:

Q Could we put it this way? The movement up to the point you just mentioned is done by one trainman and the engineer?

#10 A Yes, sir.

Q And then, later on, the other two trainmen -- the conductor and the other trainman -- appear on the north side of the track and have some part in the movement?

A Yes.

Q All right, now, wait for the next question.

BY MR. SINCLAIR:

Q And in the move up to this time, that is with one man working relaying signals to the engineman, he makes the cut-off, throws the switch, starts the back-up movement and brings the back-up movement until the leading car of the back-up movement is opposite the most westerly point marked "Gravel" on Exhibit 272 --

THE CHAIRMAN: The witness said approximately.

THE WITNESS: Yes. Well, in that area, sir.

BY MR. SINCLAIR:

Q Yes. And then the movement keeps moving and who starts taking control of the movement then? Who takes control of the movement?

A One of the men crosses over here. The man is riding on the point.

Q Now, who takes control of the movement?

A It would be the man that was on the point. I would imagine the man on the point of the cars. It is a rather difficult thing to say who has the control of the movement when the conductor is not even within speaking distance of the two men.

Q As I understand it, you had two men on the ground north of the spur and one man on the

ground south of the spur, and you never at any time said anything about anyone riding the point car. When did the man get on the point car?

A Well, a man rides that from the time the cut is made. He does not have the engineer pull ahead several car lengths and walk when he can hang on to the side and ride. He rides the point car back in. He does not walk in ahead of the cars.

Q So he is riding the point car and controlling the movement by signalling direct to the engineman, is that correct?

A Yes.

Q And then at approximately that point when the lead car is opposite the most westerly point marked "Gravel" on Exhibit 272, does he disappear from the view of the engineman?

A The man that is riding the point car?

Q Yes, does he disappear?

A Yes, around the cars. The man that is riding the point of the cars disappears.

Q And at that time does the movement stop? That is the question I asked you.

A Well, no, it did not stop. You place me in a rather difficult position because I do not want to see anyone else get criticized.

BY THE CHAIRMAN:

Q Well, never mind that, just answer the question.

A I am sorry.

THE CHAIRMAN: You have a picture in your mind and we would like to get it, that is all, and our method is by question and answer, so please do try and follow the question you are asked.

BY MR. SINCLAIR:

Q In any event, the signals from the man on the tail end disappear from view and did the engine keep on going on the occasion you saw it?

A Yes, sir.

Q And when did the signals start to move from the rear trainman or the conductor, who were on the ground north of the spur -- when did they start to relay signals to the fireman?

A When the cars got around the corner here -- the brakeman -- well, they kind of switch over.

Q Who kind of switches over?

A The two trainmen. It is hard to say at this point which is the head end and which is the tail end, but the one who is not riding the point --

Q Is he the tail end man?

A No, the head end man.

Q Who was riding the point?

A The head end man.

Q And he got off the point, did he?

A No, he stayed on the point.

Q He stayed on the point as you pushed

northerly on Exhibit 272?

THE CHAIRMAN: I suppose the question is, "What did the other two people do?"

MR. SINCLAIR: I am trying to place that from this line of questioning.

BY MR. SINCLAIR:

Q Where was the other trainman at that time?

A He climbed up on top of the gravel and the fellow on the point got up on the top of the side of the car.

Q Do you mean that he climbed the side ladder on the south side of the car and relayed signals over to the man standing on top of the gravel pile, who relayed them down to the fireman?

A Yes, sir.

Q And at the same time, what did the conductor do? We have dealt with two men in the signal sequence now, and where was the conductor?

A I could not tell you what he was doing because that is his business but he was out here.

Q He was not participating in the signal relay?

A No, sir.

Q And he did not participate in the signals during the entire time the set-off was made?

A No, sir. Well, no, he did not.

Q If the conductor had placed himself between the main line and the spur just where the curve begins -- do you follow that? Just

where the curve begins?

A Yes, sir.

Q Going south far enough so that he could see the man on the point car who has climbed up on the side?

A Yes, sir.

Q Could he not relay signals from the man on the point car to the conductor direct to the engineman?

A I imagine he could, sir.

Q The next place you dealt with was Guelph -- the Guelph yard -- and you said that this was a yard engine movement here?

A Yes, sir.

Q And you said that in making certain of the moves there that signals in taking cars -- pushing cars --

This is Exhibit 271, Mr. Chairman. Have you got a copy before you, Mr. Hopkins?

A Yes, sir.

Q In pushing cars from what you call the long siding up into what is marked on Exhibit 271 as "B" yard --

THE CHAIRMAN: This is cab first?

BY MR. SINCLAIR:

Q The cars are attached to the cab of the engine and the yard engine is headed east, is that correct?

A Yes, sir.

Q As you back westerly, pushing cars, how many

cars would you have hold of, approximately?

A That would vary, sir, on whatever -- I mean, like, I was up there for holidays and the experience then was about eight or ten, or possibly more. No, it would not be any more but there might be less, depending on --

Q Anywhere from ten down to two or three?

A Yes.

Q That would be correct?

A That would be an approximation. This is from last summer's recollection.

Q And then ten would be the maximum?

A Approximately, sir.

Q Well, what would be the maximum? Do you want to make it twelve?

A No, I would not. I think ten would be the maximum. I would say ten.

Q So, if ten cars are attached to the cab end of the engine and you are shoving these cars, the engine is headed east, and you are shoving these cars west, and as I understood your evidence,because of restrictions of buildings, the view is obstructed and on the east you said there were restrictions of buildings near the private road, is that correct?

A Yes, sir, that would be at the extreme end.

Q That would be on the fireman's side as you

backed around, would it not?

A No, sir.

Q Are you not headed east?

A Yes, sir.

Q Well, the fireman is on the north side?

A Yes, sir.

Q And this building is on the north side?

#11 A There is one building on the north side.

Q Is that the building you are referring to that restricts the view?

A No, sir, I made reference to the restrictions on the south side -- the engineer's side.

Q Exhibit 271 has no buildings marked on it on the south side -- or on the engineman's side -- as I see it, none at all; and when you were discussing this, witness, I thought you put your pencil on this building here, on the north side, as I watched you answering Mr. Lewis' questions, is that not so?

A I am not sure if I misunderstood Mr. Lewis, but there was a building -- the sketch is not clear -- but there is a feed mill which is between the river and this roadway.

Q Between the river and the roadway?

A Yes, that goes off to the south.

Q That is on the extreme westerly side of the plan?

A Yes, sir.

Q Right near the bridge?

A Yes, just below the letters "Over" in the word "Overhead".

Q Well, that is not marked on Exhibit 271.

A Obviously.

BY THE CHAIRMAN:

Q That building is on the west bank of the river?

A Yes.

HON. MR. MARTINEAU: The west bank?

MR. SINCLAIR: Between the west bank and the roadway.

BY THE CHAIRMAN:

Q And how close is it to the Canadian National Railways bridge?

A Well -- between the pillars of the bridge there is a sidewalk, and the building is on a bit of an angle, but between the bridge and the building there is a driveway to get into a lower courtyard -- it looks like they drive trucks down there. There are loading doors and there is quite a drop to what is more or less the basement of the building.

Q It seems to be some distance west of the Canadian Pacific Railway?

A It is right against it.

Q Well, the river must be between it and the railway if the building is west of the river?

A Well, it is rather a complicated place to explain, sir.

Q All right, Mr. Hopkins, you just do your best. The building you spoke about is on the west bank of the river?

A Yes.

Q All right, you go ahead.

BY MR. SINCLAIR:

Q And that, Mr. Hopkins, is the only building you had reference to in restricting vision in the passing of signals, is it?

A No, sir.

Q Where is the other building to which you wished to make reference?

A Well, on the east bank of the river in the sketch there is a building in there.

Q The east bank of the river?

A Yes, down a bit, like a little further south. If we say the river ran southwest --

Q Just a minute; this is not on the sketch, Exhibit 271, at all, this building you are speaking of?

A No, sir.

Q This is another building which is between the east bank of the river and the roadway which is the most -- well, the roadway east of the river?

A Yes, sir. One building is on one side of the river right against the river bank and the other building is on the other side of

river right against the river bank.

BY THE CHAIRMAN:

Q But further to the south?

A Slightly to the south because of the curve in the river.

BY MR. SINCLAIR:

Q And those are the two buildings to which you had reference in speaking of a restriction in vision?

A Yes.

Q And no other buildings?

A No, but there are other obstructions.

Q Well, we are not north of the bridge. We are south of the bridge?

A You might say on the easterly line of pillars that hold the bridge up.

Q And are all those pillars on the engineman's side -- on the south side -- as you back around?

A At this point you have just about completed the curve and with the track running just about north and south, and there are two pillars on the right-hand side and there are two on the left against the river bank. They are supporting pillars to hold the overhead bridge up.

Q At this point, where you say signals are passed through the fireman, are you saying that that is necessary to conduct the move and that they cannot be passed direct to the

engineman?

A I would not say it is absolutely necessary, sir. That is the normal practice. I have never seen it done any other way and I could not picture myself or any other man trying to do it in any other way.

Q You just cannot picture it being done in that way?

A No. If you could picture it to me in such a way as to explain --

Q In due course, witness, you may get lots of explanation, but in the meantime will you just assist the Commission by answering my questions. As you pick up your cars in the long siding, all signals are relayed directly to the engineman, are they?

A From the top of the car, sir.

Q All signals are relayed directly to the engineman from the top of the car, as you pick up your cars in the long siding?

A Yes, sir.

Q How many men are on the top of the cars?

A Three of them, sir. One man rides the car right behind the engine.

Q Yes?

A A box car. The engineer can see him just by looking out through the back window. Now, the other two men -- I cannot see them -- but they are just placed along on the top of the cars.

Q We have ten cars and one man is on the first car behind the engine and one man is a little further back and one is on the point?

A Yes, there would be one man on the point and another on the engine, and the other is on top. Now, where he would be I never ever did see where he was.

Q And if you had less than ten cars would there still be three men up on top?

A I do not know. From that position all I can see is one. If the signal is transmitted to me, the man who is working on the engine -- where he gets his information is his job. If he gives me a signal to back up, I will back up.

BY THE CHAIRMAN:

Q The man is not on the engine; he is on the car next to the engine?

A Yes, sir, but that is a phrase we use. The man working the engine. If he gives a back-up signal I will back up and if he says stop I will stop.

BY MR. SINCLAIR:

Q As far as you know it could very well be that there are just two men, one on the point relaying signals to the man who is on top of the car directly behind the engine. That could be so, could it not?

A Yes, certainly.

Q There is no reason to have three men up there

as you come out of the long siding pushing the cars west -- two men could do that quite easily?

A Yes, sir.

Q Even with ten cars?

A Yes, sir.

Q And as you come westerly pushing these cars, when does the man on the car next to the engine disappear from your view?

A Well, you stop at the switch at the Canadian National Railways bridge leading into B yard, and you stop clear of the roadway --

BY MR. LEWIS:

Q Which roadway?

A The roadway underneath the Canadian National Railways bridge. You stop clear in order not to obstruct the traffic. That is when the man from the top gets down and walks to the front -- that is, to the extreme forward portion of the movement. To the end of the cars, in this case.

BY THE CHAIRMAN:

Q The point of the movement?

A The point of the movement.

BY MR. SINCLAIR:

Q The man who was on the car next to the engine got off and went on the ground?

A Yes, sir.

Q And he walked to the point car?

A Yes, sir.

Q And there was already a man at the point car?

A There were already two men at the point car.

#12 Q So now we have three men at the point car?

A Yes, sir.

Q And what do they have there, a mothers' meeting? What do they do?

A Well, hardly, sir!

Q Well, what do they do?

A If the foreman in charge of the job is going to supervise the move, he might just as well have all the men there to tell them what to do.

Q So he tells them what to do?

A Yes, sir.

Q And after he has told them what they are going to do, what do they do?

A One man stays at the crossing on the left-hand side.

BY THE CHAIRMAN:

Q That is the engineer's side?

A No, excuse me. One man stays at the crossing at the side of the cars on the inside of the curve.

Q The fireman's side?

A Yes.

BY MR. SINCLAIR:

Q One man is at the crossing?

A Yes.

Q And what happens to the other two men?

A The foreman and the other man, depending on what they are going to do -- it is the way they figured out the move. They generally set the cars up into the siding in yard B right opposite the main line -- let us assume that was the move they wanted to make. If that was the case, they would spread out and just push the cars in. Now, if they wanted to work up into the other track, the foreman would walk to the end of the track to get the cars they want and they would switch, relaying signals one to the other, to the right-hand side of the cars when you are looking north.

Q That is on the fireman's side?

A Yes, on the fireman's side, and they space themselves so they can see around the obstructions.

Q So that in all the moves from the spot on the roadway crossing, which is west of the west bank of the river, until the spots are made -- or the set-offs are made -- in yard B, on any of the four tracks, all the signals, you say, are relayed to the fireman -- that is, down the north side of the movement?

THE CHAIRMAN: The east side.

BY MR. SINCLAIR:

Q The east side of the movement?

A Yes, sir, down the east side of the movement.

Q Is that right?

A Yes.

Q Down the east side of the movement? All the signals are given down the east side of the movement?

THE CHAIRMAN: That is what the witness said.

THE WITNESS: I am not sure -- I am talking just from a practical point of view.

BY MR. SINCLAIR:

Q Never mind how practical you are talking, witness, just answer the questions I am asking you. You know what is east?

A Yes, they work down the east side of the cars.

Q Is there any overhead restriction at this point?

A You mean restricted clearances?

Q Yes?

A No, sir.

Q There is no reason why a man cannot continue on the car right behind the engine -- the car next to the engine on top?

A You mean switch from the top of a car?

Q I am asking you a question, witness. Is there any reason why the man cannot continue to ride on top of the car behind the engine?

A No, sir. Now, we --

THE CHAIRMAN: Can he get under the bridge?

MR. SINCLAIR: That is what I asked and he said there were no restricted

clearances.

BY THE CHAIRMAN:

Q Well, Mr. Hopkins, do you understand the question?

A To pull cars in a straight pull?

Q No, the man on top of the car next to the engine, can he stay there and go under the bridge?

A Oh, yes, sir, he could go under the bridge.

BY MR. SINCLAIR:

Q And there are no other restricted overhead clearances in B yard?

A No, sir.

Q And if that man stayed there could he not receive signals from the other two members of the train crew?

A No, sir, I do not think so.

Q Why not?

A Because of the way the track is laid out. If there were only one car behind the engine or two cars he could go probably hanging from the side of a car or standing on top of the car at the extreme sort of east end of the car where the engineer could see him. I do not think he could see over the cars to see the man on the ground.

Q You do not think the man on the ground can get far enough away from the movement to relay signals to the man on the car next

to the engine?

A On the west side of the car, sir?

Q I am asking you whether, when you are making this move -- the men are all east of the move?

A Yes, sir.

Q And can they not fan out far enough toward the east and north so as to be in a position to see the man on top of the first car behind the engine?

A Well --

Q Is that your evidence?

A Well, in between two of these tracks there is a great big pile of lumber. They store lumber there and you cannot fan out over the pile of lumber.

THE CHAIRMAN: Mr. Hopkins, the Commission would appreciate if you would just try to answer the questions. Why do you not say "No" if your answer is "No"? We have to try to get your answer from a long explanation.

You are asked if they cannot stand there and pass their signals to the man on the car next to the engine. Can they or can they not?

THE WITNESS: Oh, some of them, they possibly could, but some they could not, because there is a pile of lumber here and there is also --

BY MR. SINCLAIR:

Q Just a minute. Therefore, if they were

going to switch over in the freight shed track or in the track immediately west of the main line there would be no difficulty -- that is where the letter B is -- either the freight shed track or the next one to it; that would be the main line and the first track westerly to the second track westerly. There would be no difficulty there, is that correct?

A No, no.

Q What are you saying -- is that correct?

A No, there would be no difficulty.

Q There would be no difficulty in relaying signals from the man on the ground to the man on the car behind the engine to the engine?

A No, there would be no difficulty like at that point if you were out far enough.

Q Witness, as we make the move westerly, and the man stays on the car next to the engine on top, and you are going to work on either the two tracks between the main line and the freight shed -- those are the two tracks you are working on?

A Yes.

Q One man stays on the top of the car next to the engine and the other two men are working ahead of him as you are backing up; and, as I understand your evidence, they can position themselves so as to conduct the move and relay the signals to the man on the top of

the car next to the engine at all times when making those moves?

A Yes, sir, on those two tracks.

Q Now we are down to the fact that the difficulty is only on the two tracks; that is, between the freight shed, one going to the east and this other which I think you said was Building Products, and the other to the west?

A Yes, sir.

BY THE CHAIRMAN:

Q Did you refer to Building Products?

A Yes.

MR. SINCLAIR: Yes, sir. Building Products -- I will mark the sketch. #13

BY MR. SINCLAIR:

Q In switching those two tracks, is there any difficulty in the two men on the ground positioning themselves so as to relay signals to the man who is riding on the top of the car next to the engine?

A Well, sir, to switch up in that track --

Q Is there any difficulty? If there is, say "Yes", and then tell the Commission why. Is there any difficulty in those two men positioning themselves so as to be able to relay signals to the man who is on top of the car next to the engine?

A Yes, sir.

Q There is difficulty?

A Yes, sir.

Q What causes it?

A If you are going to have two men on the ground and you want to go ahead someone has to get off and flag the crossing.

Q You mean the difficulty is that one man would have to walk ahead of the movement when you are going to go across the crossing, is that right?

A Yes.

Q And is that the only difficulty?

A If he went ahead to flag the crossing you could not see the man who made the move.

Q Is that the only difficulty, that the man has to walk ahead to flag the crossing?

A Well -- if I understood you correctly, yes, sir.

Q Now, you have to flag this crossing marked "Roadway" which is west of the west bank of the river marked on Exhibit 271?

A No, sir, it is the roadway immediately under the bridge.

THE CHAIRMAN: It runs east and west and it is not marked. The witness says there is a street under the bridge marked "Canadian National Railways Bridge", which runs east and west, which is not marked on the plan.

BY THE CHAIRMAN:

Q But, if that is your difficulty in switching the two tracks west of the freight shed, at

the moment I do not see why you do not have the same difficulty in switching the two tracks east of the freight shed. You have to cross the same crossing?

A Well, sir, the switch that leads into the freight shed is just to the north of the road crossing. Do you mind if I explain it? It is just a little easier for me that way.

Q Certainly.

A The switch that leads into the freight shed is marked north of the road crossing, and the switch leading into the two tracks to the west is immediately south of the road crossing. There is a main line crossing the road and there is the track that runs into the two industrial sidings to the west, so any time you move you have to flag over the crossing. If you want to change from switching into the freight shed to switching into the industrial sidings to the west side you have to have someone on the ground to flag over the crossing.

Q But you do not have to flag the crossings if you stay on the main line until you get to the switch north of the crossing, is that what you are saying?

A It is just that if you are switching over the crossing on any track, sir, you have to flag it.

Q Then, whether you are switching into the

track east or west of the freight shed, the crossing must be flagged?

A Yes, sir.

BY HON. MR. MARTINEAU:

Q Tell me, witness, where is that additional roadway you spoke of, and crossing -- is it west of the river? I am referring to the one that is not marked on the plan. Is it west of the river?

BY MR. LEWIS:

Q Yes, is it west of the river?

MR. SINCLAIR: I understand from what the Chairman said and I understood the witness to agree with him, that there is a roadway here that apparently runs east and west, presumably, I gathered, adjoining the two roadways marked on the plan.

HON. MR. MARTINEAU: But I am not sure of that and I want to be sure.

MR. SINCLAIR: It must be that, and I do not think it can be anything else.

BY MR. SINCLAIR:

Q Is that right, witness? Is it right underneath the bridge?

A The roadways come together in a "V" at both ends of the bridge -- they converge -- and they cross, and the road crossing goes underneath the Canadian National Railways overhead bridge.

BY HON. MR. MARTINEAU:

Q Is it a roadway that is south of the Canadian National Railways track which goes underneath the Canadian National Railways bridge and then over the river?

A Yes, sir.

Q Am I clear on that?

A It crosses the river on the same foundations as the Canadian National Railways bridge. The Canadian National Railways bridge, as an estimate, is 50 feet in the air, and right below it is the roadway itself, and they are on the same foundations.

Q And after the roadway has gone underneath the Canadian National Railways bridge, where does it go?

A When it comes to the abutments of the bridge at both ends it V's out.

Q In what direction does it V out?

A It would be northwest and southwest.

Q Alongside the river? Is it alongside the river?

A Well --

MR. SINCLAIR: I took the witness to mean, sir, that the two roadways marked on the sketch, Exhibit 271 --

THE WITNESS: They meet underneath the bridge.

THE CHAIRMAN: The whole four of them do.

HON. MR. MARTINEAU: I see.

BY THE CHAIRMAN:

Q And what you referred to as the crossing is the communicating link shown on this plan which disappears under the Canadian National Railways bridge?

A Yes, sir.

BY MR. SINCLAIR:

Q And every move not headed by an engine has to be manually flagged by special instructions in the time cards?

A I could not quote the instructions, sir.

Q Witness, I will read from page 9 of Time-table No. 126:

> "Switching movements over Allen's Road, or over York Road on spur line leading to Page Hersey plant at Guelph, must be protected by flagman."

A Yes.

Q Which is the Page Hersey plant?

A It is further out by the siding.

Q But we are not dealing with that.

> "Switching movements over Allen's Road must be protected by flagman."

These four roads are all known as Allen's Road?

A Yes, and they call it Allen's Bridge and Allen's Roadway. The names are different for the four roads coming together.

MR. LEWIS: The witness said "Yes" in reply to the question asked by my friend as to whether all four roadways are called Allen's Road, and I think he wants to explain --

THE WITNESS: No, sir, I could not tell you that.

BY THE CHAIRMAN:

Q But where they link up, that is Allen's Road?

A Yes, from the time card they refer to it as Allen's Road, and the bridge is called Allen's Bridge.

BY MR. SINCLAIR:

Q Every move -- which is the joining together of the roadways marked on Exhibit 271 -- not headed by an engine, must be manually flagged over that highway crossing, correct?

A Yes, sir, if you are going to switch you have to flag.

Q And you say that the difficulty with these two spurs west of the freight shed is caused by the fact that one man has to precede the movement westerly across that road crossing, is that right?

A He has to proceed --

Q He has to precede --

A On the ground.

THE CHAIRMAN: Northerly, is it not?

MR. SINCLAIR: Yes, more northerly than westerly, actually.

BY MR. SINCLAIR:

Q He has to precede the movement. Does he go across the crossing in front of the movement?

A There is a box with a manual -- you can operate the wigwag by controls.

Q So what he does is get down there and turn on the automatic wigwag?

A Yes, sir.

THE CHAIRMAN: And the movement stops, I suppose?

BY MR. SINCLAIR:

Q Does the movement stop while he does that?

A Yes, sir.

Q And he activates the switch that starts the automatic wigwag?

A I have never turned the switch or asked about it, but that is the way I understand that they start the wigwags going. It is an additional protection.

Q And once he has done that he is then free to participate in the switching?

A Not precisely, sir. Anybody driving down there, coming down the roadway -- it is an extremely busy crossing -- and can pass when the wigwags are going. The traffic will run cars ahead of you. You have seen it done at any number of crossings.

Q But I am just asking you about this crossing, witness.

A As an additional protection he gets out and holds out his hand.

Q But this is something new. We did not hear until a few seconds ago that there were wigwags at this crossing. You overlooked telling us that before, did you not, witness?

A Well --

THE CHAIRMAN: What was read from the time card about flagging the crossing; is that in addition to the wigwags?

MR. SINCLAIR: I was just going to ask the witness about that.

BY MR. SINCLAIR:

Q I asked you if the brakeman was free to participate in the switching and the signals after starting the wigwags?

A He flags the crossing anyway.

Q He does both, does he? Does he start the wigwag and also go out with a red flag or a red lantern or anything and manually flag the crossing?

A Yes, he does by day. I worked there in the summertime and we switched by hand lanterns at night. He gets out there in the daytime to describe the movement and block the traffic.

Q Witness, you worked here for how long?

A Two and a half weeks.

Q Oh, for two and a half weeks, and that is all? And that was last summer?

A In that particular yard, sir, there is steady work.

Q And this was an around the clock switch assignment, was it?

A Yes, sir.

Q And you were always on the day assignment? You never got the night train?

A No.

Q So you only know what takes place in the daytime?

A Yes.

Q And as I gather your evidence now, it is to the effect that as the movement proceeds towards Allen's Road crossing, it stops?

A Yes, sir.

Q And at that time the signal is given direct to the engineman for that stop?

A Yes, sir.

BY MR. LEWIS:

Q Is that the stop signal you were talking about?

MR. SINCLAIR: Yes.

BY MR. SINCLAIR:

Q And the man who is riding the car behind the engine on top gets down?

A Yes.

Q And what does he do -- go and activate this wigwag system?

A No, he walks up to the crossing. The cars having stopped at the crossing --

Q The cars are then south and east of the crossing, and he goes up where the other two men are?

A Yes.

Q And they get their instructions and have a meeting?

A Yes.

Q They get their instructions, and one of the men goes and starts the wigwag, is that right?

A Yes.

Q And one man goes out and flags the crossing manually, does he, in addition to the wigwag?

MR. LEWIS: Or is it the same man? I think the witness is getting confused.

BY MR. SINCLAIR:

Q Well, which is it?

A From where I would be I could not see whether he would be up there or not, but coming the other way, when there was just an engine, he always did. It was just the practice to do it around the curve. With the cars behind the engine I cannot even see the road crossing.

Q But I thought we read from the timetable that it was required to be manually flagged. We are trying to get information here today without having to go up to see it, and we are asking you to help us. Are you saying that by virtue of the

instructions in the time card, though there is a wigwag system, it is also manually flagged, or is it just the practice of the men to do it? What are you saying?

A If it is a switching movement they should get out and flag the crossing.

Q Irrespective of the wigwag?

A Whether the wigwag is there or not.

Q They should -- but do they?

A They did any time I saw them.

Q Somebody turns on the wigwag, and in addition somebody goes out on the crossing -- and it may be the same man?

A Yes, sir.

Q They do not have to have one man at the place to activate the wigwag and another at the crossing -- the same man can do it?

A Yes, sir.

Q All right, that is one man. Now, then, as the movement proceeds along the crossing, does he get on it?

A One of the men got on the point car as it goes over the crossing.

Q One of the men got on the point car as it went over the crossing -- that leaves two men on the crossing now?

A Yes.

Q And what do they do?

A Depending on where they are going, one of the two gives the signals to the fireman.

Now, if they are going into either of the two westward tracks, when the man riding the point of the cars becomes lost to vision from the other two men, or as they are going to lose him, he will either walk up to keep him in line so he can see him or get on the side of the car where he can see him.

Q So most of the time one man stays on the crossing -- or at least some of the time one man stays on the crossing -- and the other rides the point, and if they can keep in vision they relay the signals to the fireman?

A Those three men keep one another in line and relay the signal.

Q I asked you about two men. One man stands on the crossing and he may be seen by the crossing --

A Yes.

Q He may be seen by the point car?

A Yes.

HON. MR. McLAURIN: You mean by the fireman?

MR. SINCLAIR: Yes, sir.

BY MR. SINCLAIR:

Q The man standing on the crossing can be seen by the fireman?

A Yes.

Q And the man at the crossing can see the man at the point of the movement?

A Not always -- if he goes far enough around

the track; unless he goes high across the bridge, the man at the crossing will not be able to see the man riding the point.

Q But he stays on there and does your engine clear the crossing as you back westerly -- northwesterly?

A That depends on the individual movement itself. If you are switching back and forth there may be times when you will clear the crossing and there might be times when you will not.

Q Well, as you make your forward movement, that man could be on the engine as you make your forward movement, correct?

A Coming ahead?

Q Yes?

A If you cleared the crossing?

Q Yes?

A If you had cleared the crossing he would have to protect the forward movement of the engine by flagging the crossing.

Q Manually flagging?

A Naturally.

BY THE CHAIRMAN:

Q You are moving south now?

A Yes.

BY MR. SINCLAIR:

Q And you switch back and forth across the crossing, and you say there has to be two men, on occasions, ahead of the engine, as

you are backing these cars in to these two tracks west of the freight shed, and on these occasions signals are and must be given to the fireman; is that what you are saying?

A I do not say that signals must be anything, sir. I am still at the stage in the game, as far as the railroad is concerned, where I am getting an education. It is a lifetime education and I have seen a lot of things that have been slightly different done and improved as time went along, but that is the way it was done then. Also, I could not see any other way that would be any more efficient, safer or faster.

Q When were you last in London?

A Over this weekend, sir.

Q Did you read the bulletins?

A I was out in the shop but I did not book out for duty.

Q Did you ever see a bulletin dated at London, June 7, 1957, Bulletin No. 262? It is addressed to Engineers' Books -- Windsor Yard, Chatham, Quebec Street, Woodstock, Guelph, Goderich; and to Yardmen's Books -- Windsor Yard, Chatham, Quebec Street, Woodstock, Guelph and Goderich, and it reads:

"The safe and proper practice is for yardmen to give signals directly to the engineman. Yardmasters and yard foremen are

"responsible for seeing that this practice is followed and must arrange their work and position their crews accordingly."

The bulletin is signed "J. O. Johnston, Superintendent".

THE CHAIRMAN: Exhibit 273.

EXHIBIT No. 273 -- Bulletin No. 262, from the office of the Superintendent, J.O. Johnston, dated at London, Ontario, June 7, 1957, file V-14.27.

MR. SINCLAIR: This is the only copy I have. I will undertake to see that additional copies are supplied.

MR. LEWIS: What is the date of that bulletin?

MR. SINCLAIR: June 7, 1957.

BY MR. SINCLAIR:

Q That bulletin was issued on June 7, 1957, and you were at London and Guelph and you talked to the crews, and were they telling you that the work has stopped at Guelph since that bulletin went out?

MR. LEWIS: Oh, come on! It's awfully hot.

MR. SINCLAIR: I do not know why you should object. I do not think there is anything wrong with that question, Mr. Lewis.

THE CHAIRMAN: Perhaps you would address the chair, gentlemen.

MR.LEWIS: I think it is quite obvious what my objection would be. The witness said he had not seen the bulletin.

THE CHAIRMAN: Why do you think an answer to that question would help us, Mr. Sinclair?

BY MR. SINCLAIR:

Q When were you last at Guelph?

A Saturday.

Q Was there a yard engine working?

A It was at the east end of the yard.

Q Had it been working regularly, to your knowledge, at Guelph?

A Yes, sir.

Q When were you at Guelph before Saturday?

A Maybe three weeks ago. I drove through Guelph and stopped off for a minute. I was not there on business or work.

Q You have not made any moves in here at all for how long?

A Since last summer, sir.

THE CHAIRMAN: Mr. Sinclair, in connection with that crossing, when there is a wigwag, on that point what do you say as to whether or not it should be flagged as well?

MR. SINCLAIR: Well, Mr. Chairman, under the rules --

THE CHAIRMAN: Page?

MR. SINCLAIR: Rule 103, page 58.

THE CHAIRMAN: Yes?

MR. SINCLAIR: It provides --

THE CHAIRMAN: What part?

MR. SINCLAIR: It provides that when cars are pushed --

THE CHAIRMAN: What paragraph?

MR. SINCLAIR: The first paragraph of Rule 103 provides that:

> "When cars are pushed by an engine (except when switching and making up trains in yards where there are no public crossings at grade, or where there are public crossings at grade adequately protected by gates or otherwise) a member of the crew must be on the leading car and in a position from which signals necessary to the movement can be properly given."

Now, it says, "When cars are pushed by an engine" -- and this is making up a switching in a yard so that the requirement of a man being on the leading car is not required in respect of that move except when you come down to that part of Rule 103 which says, "whenever in any city, town or village, cars not headed by an engine or its tender are passing over or along a public road at grade which is not adequately protected by gates or otherwise, a member of the crew must be on the leading car to

"warn persons standing on, or crossing, or about to cross the track." That is the second paragraph of that rule.

THE CHAIRMAN: Where? I am not following you.

MR. SINCLAIR: The second paragraph of Rule 103.

THE CHAIRMAN: The second paragraph?

MR. SINCLAIR: Yes. It reads:

> "Whenever in any city, town or village, cars not headed by an engine or its tender are passing over or along a public road at grade --"

That would be this kind of move.

> " -- which is not adequately protected by gates or otherwise, a member of the crew must be on the leading car to warn persons standing on, or crossing, or about to cross the track."

Now, in so far as the rule is concerned, the wig-wags would have obviated the necessity of any other protection being given.

MR. LEWIS: But, Mr. Chairman, go to the fourth paragraph.

THE CHAIRMAN: Just a minute, please, Mr. Lewis. That deals, does it not, Mr. Sinclair, with a member of the crew being on the leading car? The point I was asking you about

was a member of the crew being on the crossing to flag it.

MR. SINCLAIR: What I was coming to, Mr. Chairman, is that the timetable would override, being more restrictive than the rules. You work through Rule 103, and if you have satisfied yourself there is nothing required there, it could still be required by special instruction in the timetable, so you go to the timetable and consult that part of Timetable No. 126 which was referred to by the witness and read.

THE CHAIRMAN: Could I interrupt you again? Before you go to the timetable, look at the third complete paragraph on page 59 of the Uniform Code of Operating Rules. It reads:

> "When a train or engine passes over any public crossing at grade protected by automatic signals or automatic gates -- "

That would be this.

> " -- it will be necessary before making a reverse movement over the crossing for a member of the crew to protect the same."

What does "making a reverse movement over a crossing" mean? Is that something like backing up?

MR. SINCLAIR: That would be a main line movement, I would say, and this would not cover a switching movement at all.

THE CHAIRMAN: It simply says,

"passes over".

MR. LEWIS: It says, "a train or engine". It must be a switching movement. "Engine" refers to a yard movement.

THE CHAIRMAN: Yes?

MR. LEWIS: Normally, I do not know --

THE CHAIRMAN: Leaving that question aside for the moment --

MR. SINCLAIR: It is certainly not a train and it is certainly not an engine. It would be an engine coupled to some cars, which is neither a train nor an engine.

THE CHAIRMAN: Leaving that aside for a moment, what does "making a reverse movement" mean? Does that mean any time an engine is not proceeding with the engine part of the locomotive first? Does it apply, for instance, to this case where, although the cars are being pushed by the engine, the engine itself is backing up cab first?

MR. SINCLAIR: I do not know, sir.

THE CHAIRMAN: Then there is some excuse for us here.

MR. SINCLAIR: I do not know just what that means. If you mean an engine backing up pushing some cars is the same as an engine making a reverse movement over a crossing --

THE CHAIRMAN: No. I say, is that a reverse movement within the meaning of that rule?

MR. SINCLAIR: My answer would be

"No", Mr. Chairman. Let us take it that it would be a light engine backing over a crossing or a train operating in reverse over a crossing --

THE CHAIRMAN: But having passed over the crossing going forward, it backs up. Is that the way you would construe it?

HON. MR. MARTINEAU: Does it mean any time that a train is backing up, regardless of how the engine is facing, as long as the train is backing up it is a reverse movement?

MR. SINCLAIR: No, I think it means the two things. It is either a train making a reverse movement over the crossing; that is No. 1 --

HON. MR. MARTINEAU: It would not matter on what side the engine is facing?

MR. SINCLAIR: But generally you do not run trains -- a train is a technical term in here, and it is defined. A train is an engine and cars, markers, and so on. A train is not just an engine and a cut of cars. That is not a train, and therefore I would say that a train making a reverse movement over a crossing -- that would be backing over the crossing -- would certainly be covered by this rule or an engine by itself. That would be a light engine. That would be covered by this rule.

HON. MR. MARTINEAU: But why would a train, as you call it, be subject to this rule? And in a switching movement, if a crossing is protected by an automatic signal, why should there

be a man flagging it on top of that? It is less dangerous when switching, which is done at low speed.

MR. SINCLAIR: This train, of course, is not switching. The train that would be covered by this rule would not be switching. It would be running in reverse, going at any speed, subject to the rules in reverse -- perhaps 25 miles per hour. What I think is being overlooked is that there are occasions when you run light engines backwards and they might travel up to 25 miles an hour, let us say. In this kind of situation this move, when they came to a crossing, would have to slow down and be protected.

HON. MR. MARTINEAU: But why, when they are backing and not when they are running forward? Certainly it is not more dangerous to back up, because sometimes you have a better view.

MR. SINCLAIR: Of course, these rules were made in contemplation of a steam engine with a great big tender and coal going back along there. They were not made in contemplation of a diesel engine with a complete unobstructed view backwards.

THE CHAIRMAN: Well, the rule seems to have in mind this situation: That when a train or an engine passes over a crossing the public thinks it is gone, and if it is going to back up then the crossing must be protected. That seems to me to be what it says.

MR. LEWIS: I think that is right.

MR. SINCLAIR: Yes, that is it.

MR. LEWIS: And I would agree with that, Mr. Chairman. I will have to study it more, but I am not sure that when the word "engine" is used in these rules it means only a light engine and that it might not refer to a switching movement involving an engine with cars on.

THE CHAIRMAN: We are not prepared at this time to go into an exhaustive opinion on the point, but perhaps at two o'clock or at 2.15 we will have it.

MR. LEWIS: Is it two o'clock or 2.15, sir? Which is it?

THE CHAIRMAN: Oh, let us make it 2.15.

MR. LEWIS: Thank you, Mr. Chairman.

--- The Commission adjourned at 12.30 p.m. until 2.15 p.m.

#17

Tuesday,
June 18, 1957.

AFTERNOON SESSION

--- The Commission resumed at 2.15 p.m.

THE CHAIRMAN: All right, Mr. Sinclair.

WILLIAM LLOYD HOPKINS, Recalled

EXAMINED BY MR. SINCLAIR:

Q Mr. Hopkins, we were discussing Exhibit 271 and these two spur tracks that are west of the freight shed. Now, I think you mentioned that there was a wigwag at the crossing and that it was activated by a switch. We ran into a little difficulty about that and I could not understand why you would have to flag a crossing that had a switch-activated wigwag. Now, if you look at the time card, I think that the confusion arises --

THE CHAIRMAN: Read it, would you please?

MR. SINCLAIR: I think the witness is on the wrong crossing, sir.

THE CHAIRMAN: Would you read the time card, please?

MR. SINCLAIR: It says here:

"Trains or engines must not pass over Eramosa Road, Guelph, Mileage 31.59, between 10.00 p.m.

"and 6.30 a.m. daily, and between 6.30 a.m. and 10.00 p.m. on Sundays, until flashing light signals are operated by train or engineman by push button in box marked 'Switches' located either side of crossing."

Now, that is to be found on page 9 of Timetable No. 126.

BY MR. SINCLAIR:

Q Now, that is the only push button wigwag system at Guelph, is it not?

A That Eramosa Road is to the north, and during the day it is operated by the power from the station.

MR. SINCLAIR: That is right.

THE WITNESS: And this Allen's Bridge on the right-hand side going north -- there is a box there for when you switch back and forth. The ding-dongs won't automatically work at Eramosa Road. That bell works on the main line.

BY MR. SINCLAIR:

Q Now, Mr. Hopkins, is this not the situation: That the Allen's Road crossing is a track circuit wigwag, and the reason why you have to manually flag is because if you move through the circuit in one way and do not completely go off the circuit before you start the reverse movement the wigwag will not operate, and that button you are talking about is a test button and is not to be used

by crews. It is put there as it is put at all these places by the Board of Transport Commissioners for testing wigwags. It is not to activate the signal at all. Is that not so?

A It could well be, sir. I have never operated the signal myself so I do not know.

MR. SINCLAIR: I think, Mr. Chairman, that can be understood and that will also cover the question under the rules because that rule No. 103 we were speaking about --

THE CHAIRMAN: Then that is the situation at Allen's crossing, as you understand it?

MR. SINCLAIR: As I understand it, the timetable provides, as the witness said, that switching movements over Allen's Road at Guelph -- I am paraphrasing some words here -- must be protected by flagging. The reason for that is that it is a circuit-operated wigwag and not a button-operated one, and because of directional movements of these signals -- once you go through it and do not clear the signal the movement will not activate the wigwag, and therefore the crossing must be manually flagged during all switching movements.

THE CHAIRMAN: When you are going north over that crossing, does the wigwag work?

MR. SINCLAIR: It will work, yes, if you go on to the circuit, yes, sir.

THE CHAIRMAN: Where do you get on to the circuit?

MR. SINCLAIR: If you came from the east and made a movement right up and through the circuit it would activate it.

THE CHAIRMAN: That is the movement the witness has described. So that, when you are approaching from the east the wigwag works?

MR. SINCLAIR: It works, sir, but when you are switching over backwards and forwards then it will not work.

THE CHAIRMAN: What I have in mind is that when you approach the crossing first the wigwag works?

MR. SINCLAIR: Yes, sir.

THE CHAIRMAN: What stops it?

MR. SINCLAIR: The fact that the relays on the signal -- if you go through it in one direction and then come back in the other direction without having cleared the circuit, the direction of the relays will cut off the wigwag after you have passed a certain number of them in the direction in which you are moving.

THE CHAIRMAN: I am not interested in those details, but what I understand from you is that when you approach from the south the wigwag starts to work?

MR. SINCLAIR: That is right, sir.

THE CHAIRMAN: And when the rear end of the train, or whatever it is, gets across the

crossing, it stops working?

MR. SINCLAIR: Yes.

THE CHAIRMAN: And then it will not rework -- or work again -- until you have gone a certain distance north and come back?

MR. SINCLAIR: That is right, sir.

THE CHAIRMAN: And for that reason you have to manually flag when switching at Allen's Road. That would only be on the reverse movement?

MR. SINCLAIR: That is right, and I think that is what the witness had in mind -- if I may help him a little bit -- in describing the move.

BY MR. SINCLAIR:

Q Is that right, Mr. Hopkins?

A Yes, sir.

BY THE CHAIRMAN:

Q So that when the movement is going north you do not have to have a flagman on the crossing?

A When the movement is going north into the siding, sir, you stop clear of the road crossing and then line the switches to go into the siding.

Q I am just talking about the flagman?

A He just flags, sir. Because you have stopped, the traffic is extremely heavy, and you just stop and the man flags because you are going to switch up into the siding.

Q But what I have in mind, Mr. Hopkins, is that when you are approaching this crossing from the south with the idea of doing some switching north of the bridge, as you approach the bridge from the south the wig-wag starts to work, we have just been told?

A Yes.

Q Do you agree with that?

A Yes, sir.

Q Then, if the wigwag is working at that time you do not need to have a flagman there at that moment.

MR. SINCLAIR: Before you start to switch?

THE CHAIRMAN: Yes.

BY THE CHAIRMAN:

Q Do you agree with that?

A The way you expressed it, yes, I agree with that, sir. But for the speed of the cars involved and the people -- your visibility in an automobile is extremely limited by the pillars of the bridge.

Q And what you are saying --

A And the other just automatically -- I am sorry.

Q What you are saying is that although there is no legal requirement, so to speak, for flagging, when the wigwag is working, at that time, nevertheless as a practical matter the practice is to have a flagman there as well?

A That is correct, sir.

THE CHAIRMAN: All right.

BY HON. MR. McLAURIN:

Q Is it possible if you have one or two cars you could go through with your switching movement, right through the wigwag, and it works and you put the cars in and they might even go beyond the point where on the reverse movement the wigwag would work again?

A Yes.

Q If you have a ten-car movement you might have to back up into that crossing again?

A Yes.

MR. SINCLAIR: What I understand the witness' evidence to be, and from looking at the time card I think it is correct, that when making switching movements over Allen's Road it has to be manually flagged because they do not clear the circuit and there is no button you can activate this with. You have to have someone on the crossing and that is what the time card says.

THE CHAIRMAN: But the witness goes further than that and says whether going north or south, as a matter of safety to the public, the practice is whether or not the wigwag is working to have a flagman on the crossing.

MR. SINCLAIR: Yes, I heard him say that.

MR. LEWIS: While we are on this

point I might say that my friend perhaps has advice which is much more reliable, but I do not quite understand this. The time card says:

> "Switching movements over Allen's Road, or over York Road on spur line leading to Page Hersey plant at Guelph, must be protected by flagman."

Now, I am a little at a loss to know just how the words "switching movement" may be interpreted, because what I understand is done in that move, as the witness explained, is that he has switched some cars out of the long siding and takes them up into the yard marked B, and I am not at all convinced -- my friend's advice may be different -- but I certainly am not at all convinced that this entire movement is not in effect a switching movement and that the flagging of this crossing at Allen's Road even as you are going north is not required by the time card instruction.

MR. SINCLAIR: Even if it is I just wanted to clear up the other point. The point I want to put to the witness does not turn on this. It was because we got at cross purposes with respect to this activated switch, the switch to activate the wigwag. My friend and I can argue the other point some time, and I do not think it matters too much because I am going to merely place the men for this witness to see whether, even doing it as he says it should be

done or as he says the practice is to do it --

THE CHAIRMAN: That is, with a flagman on the crossing?

MR. SINCLAIR: Yes, I am going to leave the flagman there.

MR. LEWIS: On a hot day like this?

MR. SINCLAIR: Hot day or cold day, Mr. Lewis, this is your witness and not mine!

BY MR. SINCLAIR:

Q Is it your evidence to this Commission, Mr. Hopkins, that the practice is for the flagman, once he takes a position on that crossing, to remain on the crossing?

A No, sir, not once the movement has moved north. The whole movement has moved north of the crossing.

Q You mean that as the engine passes him and you are pushing cars back over this crossing he boards the engine?

A He either boards the engine, sir, or else he walks up the main line so that he can try and keep the other men in view.

Q So that once you have got across the crossing and blocked it, as it were, he no longer has to be there? He only has to be there when you are going to enter the crossing either on a forward of backward movement?

THE CHAIRMAN: That is not what I understood the witness to say. He says he stays there until the locomotive clears the crossing.

BY MR. SINCLAIR:

Q Are you staying he stays there while the train passes over the crossing?

A Yes, sir.

Q Why does he do that, witness? The train would ride across the crossing and anybody could see that?

A He is the man who has to follow the engine.

Q You are saying that he is the engine follower so he is just waiting there for conveyance until the engine comes along?

A If the three of them start at the crossing, as the cars move by they spread themselves out, and when the engine gets through the crossing --

Q Because he is the engine follower he just stays ahead of the engine?

A Like ahead of the movement of the engine -- not too far away.

Q It is not just because he is flagging but is just waiting for the engine to get into position?

A Yes, sir.

Q That is what you mean?

A Yes, sir.

Q I want you to follow this with me. You have Exhibit No. 271 in front of you. You have said that as they approach Allen's Road Crossing there were two men at the crossing and this engine follower was on

the first car next to the engine as you were moving, backing up westerly?

A Yes.

Q And you said he got down and walked up to where the other two men were and then got instructions, correct?

A Yes, sir.

Q Now, if instead of getting down he stayed where he was -- that is, on top of the first car next to the engine -- and the fieldman or the yard foreman -- one or the other -- flagged the movement across the crossing and took up a position on the leading car, the point of the movement, going high so as to be in sight of the man who was on the first car on top next to the engine --

MR. LEWIS: Behind the engine.

MR. SINCLAIR: All right; behind the engine, Mr. Reporter.

BY MR. SINCLAIR:

Q Are you following me, witness?

A Yes.

Q So now we have two men on top and you are going into this spur to either make a set-off or a lift. You are not going to kick cars in, are you?

A Yes.

Q You are going to kick them in? You are going to cut them off?

A Yes, that is one of the purposes of using

that particular track, to switch them out.

Q So you are going to shake them out?

A If it is necessary.

Q Do you mean to say that you have not marshalled your cars in the straight yard tracks before you moved off?

A I said you marshall the cars. You are going to take up these cars that are left here so they are handier to the industries to be serviced in Guelph. Because you have brought up -- you generally want the merchandise that has been there the longest length of time to get to the shipper or the receiver first. You manipulate the cars out there instead of having to run down the long siding and switch them all over again.

Q So you use these two spurs and the main line tracks to kick these cars out?

A Yes, sir.

Q I see.

THE CHAIRMAN: What does that mean?

MR. SINCLAIR: He is shaking them out, sir. He said he has certain cars spotted there and is taking in some new ones.

THE CHAIRMAN: You are too fast for me! Those cars that are spotted there are spotted where?

MR. SINCLAIR: They are on the spurs.

THE CHAIRMAN: On the sidings which are running south of the Building Products?

MR. SINCLAIR: Well, one is south, sir, and one is east.

THE CHAIRMAN: All right; both are west of the freight shed?

MR. SINCLAIR: Yes.

THE CHAIRMAN: There are cars in there on those tracks?

MR. SINCLAIR: Yes.

THE CHAIRMAN: What is he going to do with them?

MR. SINCLAIR: He is bringing up some other cars which he is going to put in, and rather than put the ones the witness says he is bringing in, so that they would be the first out, he is going to take the ones that are already there and get rid of them and put the ones he is taking up in so they would be second out, and the ones that are already there would be first out.

THE CHAIRMAN: That means that the cars he brings along from the A yard he puts on one or the other of the sidings east of the freight shed and then goes after the cars that are on the siding west of the freight shed?

MR. SINCLAIR: As I understand it, that is right.

BY MR. SINCLAIR:

Q Is that what you are saying?

A Yes, sir.

BY THE CHAIRMAN:

Q That is right?

A Yes, sir.

BY MR. SINCLAIR:

Q And then he makes his move. And in making these moves, if you put two men high, witness, and one man on the ground, is it your evidence to this Commission that signals cannot in that way be relayed directly to the engineman?

A Around the curve, sir, to the south of the overhead bridge, when the engine is down in there I honestly could not say whether he could see or not. The man is around behind those lumber piles.

Q I am instructed by telephone at noon today that there is lumber piled on both sides and that the lumber is not causing the difficulty; that there is just as much difficulty on the fireman's side as there is on the engineman's side and therefore the two men have to go high and they do relay signals direct to the engineman.

A When you get the engine off the curve, sir --

Q What do you say as to that, witness? When you are going through here with two men high -- because they have to go high when lumber is piled on both sides -- that signals are relayed directly to the engineman? What do you say as to that, witness?

A If the engine is around the corner where you can see, then there is no reason. Naturally it is easier to transfer signals on the engineer's side than on the fireman's side, and once the yard crew can get in a position to transmit signals to the engineman they do so.

Q I am saying that all throughout the move, with two men high, the signals are relayed to the engineman and the men position themselves so that they are in view of each other and the engine. Are you saying that cannot be done?

A I am not saying that it cannot be done, sir, but I am saying I have never seen it done. If I could elaborate on that, I would say that I could not imagine there being a switching movement like that, where two yardmen would ride on the top of cars with a slack running in and out. It is not the safest place at any time.

Q Now, witness, you have not been around yards very much if you have not seen two men on top of cars with slack running. How many observations have you made of yard switching? How many times have you been around a yard?

A Considerable, sir. Any time we have switched cars I have always kept my eyes open to see what the yardmen or brakemen were doing.

Q Well, this Commission had the advantage and

opportunity yesterday of seeing some switching right in this city in which there were as many as three men high.

A To switch out cars, sir?

Q Running cars out, yes, and pushing in.

A I do not mean just to push cars up a line. I mean to switch cars, separating one car from another. A straight push-in is one thing; there is very little variation in the slack, but --

Q You mean kick them off?

A Yes, from up high.

Q You have never seen anyone riding high when they are kicking off?

A The man on the track?

Q Yes, and anyone else, when the cars are being cut off from the engine?

A I cannot say I have, no.

Q How many cars do these spurs hold?

A The one to the extreme west holds approximately, as an estimate, eight gondola type cars. I think, if I remember correctly, it would take about eight gondolas.

Q And the other one?

A It takes slightly more, but I could not be sure. I think it takes slightly more but I could not say for sure.

Q Nine?

A Yes, as an estimate.

Q How many times did you make the move there

per day?

A When I was up there, sir, if I remember correctly, it was once in the morning and once in the afternoon.

Q That is twomoves a day in each spur?

A Two moves a day into that general area, sir.

Q And how many times a day into those two spurs where you have the difficulty? That is, the ones west of the freight shed?

A That would depend on the switching moves required. I was never consulted on how cars were going to be switched.

Q What was your experience? Was it one move a day into each spur,or never at all, or what was the situation?

A It depended on what you wanted out of the spurs.

Q What was your practice? You worked there for two and a half weeks, witness. How many times did you go in there? Every day?

A I would say on the average, every day, sir.

Q Some days you would go twice?

A Yes, sir. It is nearly a year ago, sir, and my memory over a year is not perfect. I would not want to commit myself.

BY THE CHAIRMAN:

Q You said that these two tracks hold eight and nine gondolas, but the questions that were being put to you before that envisaged two or three men on top of the cars. Men do

not get on top of gondolas, do they?

A No, sir. The only reason I remember the south track is that there was one day we went there and I made a point to find out how far in you could go. If you know how many cars you have and how many cars the track holds, in the event of anything going wrong you know when you should not be going any further because the tracks are a dead end.

Q But what type of car is normally put into those tracks?

A Either box or gondola.

Q Either one?

A Yes, it varies, depending.

BY MR. SINCLAIR:

Q And the difficulty which you say existed at those two spurs -- and that was the only place you had difficulty, according to your evidence -- arose because your engine was headed east, correct?

A Yes.

Q Now, there is a wye shown here on Exhibit 271, witness?

#20 A Yes, sir.

Q Did you ever turn your engine on that wye?

A Never, sir.

Q Could it be done?

A Certainly, sir.

Q You said the maximum number of the cut of

cars was ten and the space between the switches is at least ten cars?

A Yes, sir.

MR. LEWIS: Switches where?

MR. SINCLAIR: On the wye.

BY MR. SINCLAIR:

Q If the engine is turned, of course, you are in the position of having the engineman where you then, as you described, do have the fireman --

THE CHAIRMAN: I am sorry to interrupt, but I would like to ask this question. I suppose in order to turn the engine you do not have to have all the cars on the wye, do you? In order to turn the engine you do not have to put all the cars on the wye?

MR. SINCLAIR: No, you set them off between the switches and then run around.

MR. LEWIS: On the main line, between the switches.

MR. SINCLAIR: He said the maximum cut would be ten.

THE CHAIRMAN: You put the cars west of the westerly switch of the wye, I suppose, near the bridge?

MR. SINCLAIR: If you did that, sir, I think you would be just making extra moves. The easiest way would be to set them off between the switches and run around.

HON. MR. MARTINEAU: Has not the

witness said that to begin with the engine was pulling cars out of the long siding, cab first?

MR. SINCLAIR: Pushing.

HON. MR. MARTINEAU: I thought he said pulling -- and then he turns around and pushes them at the other end?

MR. SINCLAIR: No, he pushed them out of the long siding with the cars attached to the cab of the engine. He pushed them west.

HON. MR. MARTINEAU: And he just went on west?

MR. SINCLAIR: Yes, straight west.

MR. LEWIS: If I have listened comprehensively I think what Hon. Mr. Martineau is suggesting is that he said the engine ran around the cars at one point.

HON. MR. MARTINEAU: Yes, that is right.

MR. LEWIS: They would do it in the normal way, pulling the cars out and having marshalled them.

MR. SINCLAIR: That is before starting the move we are talking about.

HON. MR. MARTINEAU: Yes, I see.

THE CHAIRMAN: Even six miles an hour is a little too fast for us on occasion!

MR. SINCLAIR: Not at all, sir.

BY MR. SINCLAIR:

Q Exhibit No. 270 refers to the Galt yard and is the third of the three examples you gave

to the Commission and you made two moves here. In the first one, when you came in you were eastbound?

A Yes, sir.

Q And you put your train on the passing track, correct?

A Yes, sir.

Q And I think the example you chose was the car limit of 60 cars. That is the maximum you would have. It holds, I think, 62 or 63 cars?

A I think it is 61, sir. The time card specifies 61.

Q My memory does not serve me, either. It shows on my time card 63.

A I am sorry, sir, I thought it was 61.

Q In any event, you were in the clear with 60 cars. With 60 cars you were in the clear of the car limit. And what you were going to do was set out some cars into the receiving yard of the electric line which is marked D on Exhibit 270, is that correct?

A Yes.

Q How many cars were you going to set off?

A That number varies from one, and I have set off as many as 60 there.

Q When you set off your whole train, let us take that one first, you are setting off your whole train at Galt. There is an electric engine -- an electric lines yard engine --

that works in this yard, is there not, up in D yard?

A Yes, there are engines.

Q But there is one assigned there?

A No.

Q There is no electric yard engine down there?

A There is an electric yard engine they deliver to us and we deliver to yard D.

Q Well now, witness, that is the point. I am instructed that if you were going to have as many as 60 cars to put into yard D you would make arrangements for the electric engine to go down and take them off the tracks that are in the Canadian Pacific Railway yard, and that is the normal practice, and that you would not set off into D yard 60 cars; do you say that is incorrect?

A Yes, sir.

Q How many times did you set off 60 cars into D yard?

A Oh, on three or four occasions, a full train. It has been a westbound set-off with a full set of cars.

Q We were eastbound. Let us not confuse two different questions. We will deal with a westbound movement afterwards. We were talking about an eastbound movement. When did you set off 60 cars into D yard eastbound?

A You would never set off 60 cars going east.

I misunderstood your question, I am sorry.

Q All right, then. Let us start again. This whole movement is eastbound?

A Yes, sir.

Q And you go into No. 1 passing track. How many cars are you going to set off?

A Anywhere from one to sixteen.

Q And you said that it was necessary for you to cut the crossing. This is according to my note. And then you said, "I had another --" No, I am not sure about that. How many crossings are you going to cut? There are three shown on Exhibit 270?

A If they are average length cuts of cars, like, you may get Bond Street and Dundas Street cuts under the best of conditions but with 60 cars of average length -- either long gondolas or short tank cars -- you will not cut all three crossings.

Q Is there not an arrangement between the City of Galt and the company that the crossing that must be cut is Dundas Street and that the other two crossings -- Bond Street and Brook Street -- only have to be cut at a specific time and only when that is practicable. Did you not know about that?

A No, sir.

Q Have you been around Galt very much?

A Yes, sir.

Q Well, do you not know that both these crossings at Bond Street and at Brook Street are up for being closed under joint application of the railway and the City of Galt?

A No, sir. I am not normally informed of these things.

Q Now, what I want to know is this. Are you saying that these three crossings are cut regularly?

A No.

Q You always cut Dundas Street?

A Yes.

Q And the normal move is to cut that crossing and not to cut any other crossing?

#21 A If that is all the space you have.

Q That is the normal move, is it not?

A Yes, if you have a full train --

Q Then you cut Dundas and cut Dundas alone?

A Yes.

Q You said it was done, and this was the move as it developed that caused signals to be given to the fireman when the head trainman would drop off at the crossing of Dundas Street, correct?

A Yes, sir.

Q And would then cut the crossing?

A Yes, sir.

Q Giving the signal to proceed after he got it to the engineman?

A Yes.

Q Just on the south side of Exhibit 270?

A Yes.

Q And then you said that that head trainman would do what?

A He would walk up the train to cut off the set-off.

Q Cut off the set-off?

A Yes.

Q And as he was doing that what would the rear end trainman be doing?

A The rear end trainman, after he had closed the switch at point A, when the conductor -- the conductor might or might not go into the station to inquire if there was any lifting to be done -- then the two of them, either one or two, would go over to the east leg of the wye track at Samuelson Street.

Q Just a minute; before we do, witness, you said "one or two". I just want you to take the rear trainman. You are saying that if the conductor does not go into the station the two of them both walk over to Samuelson Street?

A Yes, sir.

Q And they allow the move of cutting the crossing, of cutting off your cut of up to 15 cars, as you said, clearing the switch on the wye -- the east leg of the wye -- leaving that all to be done by the head end trainman alone; is that your evidence?

A Would you repeat the last part of that?

Q The head end trainman would cut the crossing at Dundas Street and would walk up and get the pin when you were going to take your 15 car cut and would stay with that movement as it went out on to the main line and cleared the switch for the east leg of the wye into D?

A Yes, sir.

Q And all that move would be made by the head end trainman alone?

A Yes, sir.

Q And throughout that move all the signals would be given -- until this time -- given to the engineman?

A Yes, sir.

Q And then you said as they backed up they pushed the cut of up to 15 cars, depending on how many you were going to set out on D -- and as they pushed these cars towards the west and the north, what happened?

A Well, when you push the cars back down from C towards E --

Q Towards E?

A Towards E -- the point of the wye.

Q Yes; I am sorry.

A Down the east leg of the wye.

Q Yes?

A The other trainman is visible to the fireman from Samuelson Street.

Q You mean that he has walked to the north or northwest side of the wye track?

A The northeast.

Q The northeast side?

A Yes, you are correct.

Q Both he and the conductor?

A Well, not always the conductor. If he is over there first and the conductor isn't -- if he had stayed at the station he would have lined up the switches to get into the yard at point D and then he would have come back to the crossing.

Q Yes, and by that time somebody else had been up, so you now have three men participating in the move?

A If you want you can have three men, if there are three men there. It would still be performed the same way.

Q Witness, then if that is the difficulty it is because of this curvature that has affected all trains starting -- I am going to call the east leg of the wye the lead -- starting from track 2 and the lead or track 3 and the lead; would that be right?

A Yes, sir.

Q About there would be when the man would disappear from view of the engineman, the man who was riding the point of the cut of 15 cars that you were backing along that lead up into D yard?

A Yes, sir.

MR. LEWIS: Which point is it? My friend gave him two. Is it the point of Track 2 and the east leg of the wye or the point of Track 3 and the east leg of the wye?

BY MR. SINCLAIR:

Q Which is it?

A Three. Two runs the length of the yard, sir.

Q It is when you get to the point where Track No. 3 joins with the east leg of the wye that the man on the point of the backing up movement would go out of view of the engineman, and you say at that time -- is the movement stopped as he goes out of view?

A Before we get to this the head end brakeman has closed the switch at point C.

Q Of course, or else he could not go back there?

A When he walks up the length of the cars he gets on the left-hand side and starts to transmit signals to the fireman then.

Q Where does he do that?

A With the engine clear of the switch and on the straight portion of the lead. Instead of staying on the right-hand side he stays on the left-hand side of the cars and starts transmitting signals from there.

Q Are you saying that after closing the switch he moves over to the fireman's side and rides the cut back on the fireman's side?

A Yes.

Q But that is not because he needs to do that, is it?

A He is going to have to get over there anyway and he might just as well get over there first as last.

Q Well, witness, we will see if he has to get over there, but I am asking you a question now. I want to know when he has to go over there because of the physical aspects of the move?

A Yes.

Q If he stays on the south side of the cars he could continue to relay signals direct to the engineman if he got to the point where track No. 3 intersects the east leg of the wye?

A Yes, sir.

BY THE CHAIRMAN:

Q Now, I do not follow that. The head trainman is where on the train -- calling this a train for the moment?

A He is riding the reverse movement, pushing the cars.

Q Where? Where is he riding?

A He is riding the point of the cars, sir, on the left-hand side, in actual practice.

Q But you said he closed the switch at point C?

A Well, the east main line switch, yes.

Q He closes that?

A Yes, sir.

Q If he does that, if that before or after the back-up movement has commenced?

A No, you push the cars by him there.

Q Then there is nobody on the point of the movement at that time?

A Not from point C until you get the cars in the clear, sir.

Q All right. He is still giving signals to the engineer and to nobody else?

A Yes, until you are clear of the main line with the cars and the engine.

Q And how many cars are being backed in?

A Fifteen, sir.

Q When he closes the switch the movement stops, does it?

A Yes, sir.

Q And he walks the full length of the 15 cars, does he?

A Yes.

Q And climbs up on the leading car?

A On the side of the leading car.

Q On the side of the leading car of the movement?

A Yes, sir.

#22 MR. SINCLAIR: As I understand the witness' evidence, he said that he got on the left-hand side because, he said, he was going to use signals down that side later.

THE CHAIRMAN: I understood that, too, but not the history of the movement.

MR. SINCLAIR: But the point I wish to make with the witness, and I think we are in agreement, is this.

BY MR. SINCLAIR:

Q If he had stayed on the right-hand side or the south side of Exhibit 270, he would have remained in view of the engineman until he got to the intersection of Track No. 3 and the east leg of the wye?

A Yes, sir.

THE CHAIRMAN: That is right.

BY MR. SINCLAIR:

Q Is that right?

A Yes, sir, the way you explained it.

Q I mean, is it a fact or is it not a fact that if the man gets on the point car on the south side -- that is the right side as they back up the east leg of the wye -- at some stage he goes out of view of the engineman. Now, I want to fix that point and I understood you to agree with me that he would go out of view of the engineman at the intersection of Track No. 3 and the east leg of the wye?

A Approximately, sir.

Q Approximately?

THE CHAIRMAN: It is all right; you have got that now.

BY MR. SINCLAIR:

Q So, any man standing approximately at Track No. 3 and the east leg of the wye would at all times during which the move was in operation -- that is, the back-up move -- would be in view of the engineman? And would you agree that the man on the point car would not go out of the sight of the engineman until the point car reached the approximate vicinity of Track No. 3 and the east leg of the wye?

A Yes, sir.

THE CHAIRMAN: Well, why go over that again, Mr. Sinclair? He has agreed with that.

MR. SINCLAIR: But I have two men there now, sir.

THE CHAIRMAN: Yes, but you have two questions there, too.

MR. SINCLAIR: This is perhaps my fault, but I am trying to place two men and not one now. I have two men now and one man is on the ground around Track 2 or Track 3 and the east leg of the wye.

BY THE CHAIRMAN:

Q It is the intersection of Track No. 3 and the east leg of the wye where you put the additional man on the ground, Mr. Sinclair, and your question to the witness, as I understood it, was would the man always

be in sight of the engine?

A The man between Tracks 2 and 3?

Q The man on the ground -- not on the leading car, but in the neighbourhood of where Track No. 3 runs into the east leg of the wye. Would that man always be in sight of the engineer?

A If the yard was empty. That is where we take our cars out of and more often than not those tracks are full.

Q That is, if there were cars on Track No. 2, for instance, close up to the east leg of the wye, he could not see the engineman?

A Not standing on the ground, no, sir.

Q All right.

BY MR. SINCLAIR:

Q Then he would have to go down to No. 2 -- the intersection of Track 2 and the east leg of the wye, and stand there?

A Well --

Q If the yard were full, he would have to go down to the intersection of Track No. 2 --

A To see the engineer?

Q If he stood there he could see the engineer?

A He could see the engineer, yes.

Q On this back-up movement I have a man there at the time the man on the point car goes out of view of the engineman -- do you follow me?

A Yes.

Q And at the same time the conductor or the rear trainman -- depending on who this other man is -- the third man has lined the switches in D and is flagging Samuelson Street? Do you follow me?

A Yes, sir.

Q Are you suggesting that if these people are positioned in the way we have described, with one man staying at Samuelson Street and the other man that is around the point and the man that is down at the intersection of Track 2 -- or wherever you want to put him, depending on how many cars there are in the yard -- the intersection of Track No. 2 and the east leg of the wye, that they cannot keep themselves always in view of the engineman? Is that your evidence?

A I have never seen it done, but I would say quite candidly and from my imagination that no, I do not think they could, sir.

Q You never saw it done that way?

A No, sir.

Q Well, I have received instructions that unobserved observations were made there by officers of the company and that that is the way the move has been made with the men moving with the movement and keeping in view of one another. How many times have you made this move that you are talking about?

A Over a period of five or six years, I would

say approximately -- oh, it would run into the hundreds.

Q I have here information concerning various moves made during March and April of this year. Did you make any moves during March and April of this year?

A No, sir, not in the Galt yard. I was working on passenger trains.

Q I have several yard movements listed here and in each case the signals in these operations were all given on the engineman's side throughout the move. Does that surprise you?

A It does, sir.

THE CHAIRMAN: Does what you have put to the witness include situations where there might be cars on Tracks 3, 4 and 6, fairly close to the east leg of the wye, Mr. Sinclair?

MR. SINCLAIR: Yes, sir. I am instructed that with the men positioning themselves properly and moving with the movement that there is no difficulty whatsoever in their placing themselves and making the move there and unobserved observations were made by officers of the company -- that is, unknown to the crews -- and that is the way they did it. However, the Commission, of course, is going down there and I think this can be demonstrated quite easily.

BY MR. SINCLAIR:

Q Now, as early as 1953, were you running

in this area then?

A You mean between London and Toronto?

Q Yes, making pick-ups and set-outs at Galt?

A Yes, sir.

Q And did you ever read a bulletin that required the whole three men to participate in movements at Galt, issued as long ago as 1953? Did you ever read such a bulletin? Do you ever remember a bulletin such as that?

A If I could see the bulletin it might refresh my memory.

Q Yes, I am trying to find it for just that purpose. I have it now. It is Bulletin No. 32 dated at London on March 2, 1953. Perhaps we could read it together. I will read it aloud and you may follow by looking at this copy. It says:

"Conductors' and engine-men's books -- all points.

Westward freight trains arriving Galt with cars to set out will arrange to switch same out from the west end with a road engine. #23 Eastward trains will make their set-offs from the east end. This practice will afford all members of the crew to take an active part in switching operations. Assist crews are not to be used for setting out cars at Galt."

That is, I take it, witness, when there was steam power and they were using double-headers?

A Yes, sir.

Q The bulletin continues:

> "Assist engines will, at all times, remain in the lead and assist trains to Orr's Lake with the air cut in. Engines returning from Orr's Lake will turn on the wye at Galt before proceeding from that point.
>
> Enginemen will see that marker lamps are properly displayed between Orr's Lake and Galt, also between the latter station and Obico in accordance with the Uniform Code of Operating Rule No. 19.
>
> Please see that above instructions are fully complied with and switching operations at Galt closely supervised so that certain crossings will receive the necessary flagman protection."

The bulletin is signed by J.O. Johnston, Superintendent. Do you remember that bulletin?

A Yes, sir.

THE CHAIRMAN: Exhibit No. 274.

EXHIBIT No. 274 -- Bulletin No. 32, issued at London, Ont., on March 2, 1953, by Superintendent J.O. Johnston, addressed to Conductors' and Enginemen's Books, all points.

HON. MR. MARTINEAU: What is the date of that bulletin?

MR. SINCLAIR: March 2, 1953.

MR. LEWIS: Did it read "afford all members of the crew"?

MR. SINCLAIR: It reads:

"This practice will afford all members of the crew to take an active part in switching operations."

MR. LEWIS: Well -- "afford" -- what does that mean?

MR. SINCLAIR: I did not draft it; you can argue what "afford" means later.

MR. LEWIS: I will have all my work cut out arguing sentences that are complete, and I am not going to spend time arguing about sentences that are fragmentary.

MR. SINCLAIR: I think the sentence is quite complete. It has a verb, a subject and a predicate, and an object.

I think that is the only point I wish to make on it, Mr. Chairman. It says that all members of the crew shall take an active part

in switching operations.

THE CHAIRMAN: That requires the conductor to participate in switching operations at Galt, as you understand it?

MR. LEWIS: Well, Mr. Chairman --

MR. SINCLAIR: The witness says he remembers the bulletin.

MR. LEWIS: Perhaps it is the heat, Mr. Chairman, but what Mr. Hopkins knew to be the practice is one thing; to ask the witness before us or any other witness to interpret that bulletin with its peculiar use of the word "afford" is, I respectfully suggest, quite another thing.

THE CHAIRMAN: I do not think the witness needs to interpret it. The witness knew of the bulletin.

THE WITNESS: Well, sir --

BY THE CHAIRMAN:

Q You knew of the bulletin? I understood you to say you remembered seeing the bulletin?

A Yes, after seeing it, I remember.

Q I suppose the only relevant thing he has in mind is whether or not, since this bulletin at least, all members of the crew did take an active part in switching operations. What do you say about that, Mr. Hopkins?

A Yes, sir, it was so that everybody took an active part. It was put out for a particular reason. Could I have an opportunity to

explain it to you?

Q Certainly.

A I remember why it was put out. It was a practice with the westbound freight crews to use the assist engine and the through road engine and stop east of point C on the sketch. This required the use of the fireman of one or both engines. They stopped clear of the switch to cut off the push engine, the leading assist engine, and then they might run down the main line just clear of the fouling point at point C. Then the road engine, after the brakeman lined the switch for the lead, to pull down the lead engine first until clear of the main line at point C, and then one of the firemen would cut off the road engine and put him up into one of the tracks -- No. 3, 4 or 6 -- clear of the lead, so that he would be just out of the road, and the push engine, the assist engine, would back up over the main line switch at point C and nose in on the cars sitting on the lead, and then the head end brakeman, riding the point of the cars, and the fireman would set the cars off, pushing them into the yard at point D, giving the signals to the engineer of the assist engine coming around the lead. The advantage at that time was that it saved considerable time. It was a lot faster.

BY MR. SINCLAIR:

Q From the time this bulletin was issued the tail end crew were required to participate in the switching movement with the road engine without using the assist engine?

A Yes, sir.

Q And if it was necessary for the conductor to go to the station and everything else, the move would wait until he could do his work and participate in the switching?

A (No audible answer).

Q You are nodding your head?

A I am sorry; yes.

Q The next description here of a move was westbound when you were going to make a set-off. Are you saying the cars are left on No. 2 track at Galt?

A Cars are, yes, if the yard is crowded, sir.

Q The only authority is to make up a train on 2, and 3, 4 and 6 are where cars are left by the electric lines?

A If they fill up Tracks 3, 4 and 6 first, and between Tracks 2 and 3 just west of the lead there is a crossover switch which is not illustrated on the sketch. There is a crossover switch there.

Q Yes?

A And if you cannot get the cars into Tracks 3 and 4 -- the electric line cannot deliver them to us on Tracks 3 and 4 using this

crossover switch -- they will put them in Track 2.

Q You mean they will completely fill up Track No. 2?

A They have on occasions completely filled up Track No. 2. They run out of electric power between Brook Street and Bond Street.

Q It only goes part way down the yard, does it not?

A But, if you are pushing cars in, your cars will travel farther down than the electric engine.

Q When did you last see Track No. 2 blocked, witness?

THE CHAIRMAN: You mean at the east end?

MR. SINCLAIR: Yes, at the east end.

BY MR. SINCLAIR:

Q When did you last see Track No. 2 blocked?

A Last year it was blocked.

Q Yes?

A I never took particular note to remember what date.

#2 Q The Assistant Superintendent who is here has passed me a note saying that the electric lines have no authority to fill No. 2 track.

A Well, as to the limit of the authority of the electric lines -- I do not know how much authority they have.

Q Well, when did you last see cars on Track No.

2 blocking the east end?

A It would be inside of the last three months.

Q And No. 2 track was filled right up with cars that had been put there by the electric lines?

A They had cars in there, sir.

Q Now, Mr. Hopkins, there is a difference between having cars -- a few cars, perhaps, on the west end of No. 2 track west of the crossover -- and having Track No. 2 filled with cars, which is quite another thing, and having them down at the east end. What I am asking you about is down at the east end. That was my question. When did you last see a situation like that?

A As to a date, the best I could say would be when -- a couple of months ago. The gravel we received from them was running heavy. We were getting a lot of gravel there and that is where they put it, in No. 2 track.

Q Whereabouts on No. 2 track -- is it west?

A They start by pushing them in just clear of the crossover between Track No. 2 and Track No. 3 and just leaving them there.

Q That would be pushing west?

A Yes.

Q But when did you see them on the east end?

A That is the only way they can get in, sir, from the east leg of the wye.

Q When did you last see them with cars parked just clear of the fouling point of the east leg of the wye at Galt, on Track No. 2?

A Inside of the last three months.

Q Inside of the last three months?

A I cannot remember the date.

Q Are you sure of that?

A As sure as I possibly can be.

BY THE CHAIRMAN:

Q That is your best recollection?

A To the best of my knowledge.

BY MR. SINCLAIR:

Q Now, let us deal with westbound. You came in on what, on the passing track?

A Yes, from the main line; generally the passing track -- because you don't know quite how long --

Q But you explained a move this morning. What did you come in on?

A The passing track.

Q You came in on the passing track and were going to make a cut-off. You did not say how many cars -- or perhaps you did?

MR. LEWIS: He did not.

BY MR. SINCLAIR:

Q How many cars are you going to cut off this time? Any number up to 50?

A Yes, but it is not normal to get that many cars in this area. When you get a great number of cars it is usually a group of

empty gondolas.

Q Would you make a back-up movement into D up the west end of the leg with one move?

A No, sir.

Q How many cars would you take on a maximum when you were making a set-off or a cut?

A As a maximum or as an average?

Q Let us take it as a maximum?

A As a figure, could we use 15?

Q You think that would be about right, do you? If you had 30 you would make two cuts of 15, is that the way you would handle it?

A No, sir, if you have 30 or anything over you try to make an arrangement with the electric line to get rid of those cars.

Q That is what I put to you before. You make an arrangement with them to come down and assist with their engine?

A No, sir, it does not require any of their power.

Q Do you leave them on the wye and then pick them up on the wye?

A No, sir, you are not supposed to leave them on the leg of the wye.

Q Where do you leave them? Do you push them into Track No. 2, 3 or 4?

A No, sir. As an arrangement, if it can be made --

Q Who do you make it with -- with the dispatcher?

A No, sir, from the station. Who they make it with I do not know. They contact the electric line to make this arrangement.

Q What do they do?

A Push the cars around the leg of the wye up to the sort of tip of the sketch --

Q Where?

A -- and around from off the sketch. The electric line has a storage track approximately 30 cars long -- I think it will hold 30 cars. They use it to make up their trains. That is, if they have given you permission. With your great number of cars it makes it easier for them if you just push all of them right up in there.

Q You do not put them in D yard at all?

A Oh, you would be all day trying to get rid of them.

Q That is what I say. You do not put them in D yard at all?

A No.

Q And if you had up to 30 cars you would put them into trackage which is not shown on Exhibit 270?

A If you had approximately 30 cars. Any less, you would take them and put them into the two tracks in D yard, because normally the electric lines would not let you use that trackage.

Q If you have less than 30 you put them into

D yard. Would you do it in two cuts of 15 or would you take the 25 at one cut?

A That would depend, sir. That would be entirely up to the conductor himself.

Q Well now, is the difficulty that you experience here in giving signals to the engineman dependent on the number of cars you have taken in the cut?

A Well, no, sir. If it was more than two cars, let us say --

Q You say anything more than two requires you to give signals to the fireman?

A Yes, sir. If the engine travels over the bridge over Water Street, leaving the tail end car clear of the passing track switch on the west leg of the wye --

Q Now, just let me get this. We will take 15 as an example. You come in on the passing track. You are westbound. Your engine is headed west. You cut off 15 cars and pull ahead above the point marked A on Exhibit 270 out over the bridge over Water Street. Is that correct?

A Yes, sir.

Q And partly over the river?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q And in making that move, as you make the cut-off and pull ahead to clear the switch

at point A, before you start your back-up move up the west leg of the wye to go into D yard, how are the signals relayed?

A To the fireman.

Q Right from the time the cut-off is made?

A When the cut-off is made and the main line switch opened the engineer gets a go ahead or proceed signal, and knowing that he has 15 cars to cut you have to go out over the river bridge with 15 cars to clear the passing track switch.

Q When the cut-off is made does the engineman get the proceed signal?

A Yes.

Q And who gets the stop signal when you are going to stop after clearing point A?

A The fireman.

Q That is the first signal he gets?

A Yes.

Q That is your evidence?

A Yes.

Q And in this move, how many people are participating in the switching? Just one, isn't it, witness?

A Yes, sir.

Q You only have the head end trainman working on this move, is that not right?

A Yes, sir.

Q And as you back down the west leg of the wye he does not pick up the other crew until they get up to Samuelson Street again where your

flagman is flagging, is that right?

A You will quite often pick up one man in between point A and Samuelson Street around Bond Street or Brook Street.

Q Is it not a fact, witness, that the way you are distributed in this move on no occasion would you need more than two men?

A No, sir.

Q You do not need the third man at all the way you have set up the move?

A Yes, sir. Once you get the point of the cars going around the leg of the wye towards point E you need three men -- then you change sides.

Q You are back on the engineman's side now?

A Yes, sir.

Q So, as soon as you have three men on the move you can give signals direct to the engineman?

A Yes, after you have moved farther back around the leg of the wye.

Q Are you saying that if you had three men working and giving signals after you made the cut-off and started across the bridge that signals could not be given by the trainman to the engineman?

A With 15 cars?

Q Yes?

A I have never seen that done.

Q Well now, suppose the head end trainman rides the left side of the cab until you

come back on to the position where the three men who are behind fan out, as you described it. Then the fireman would not be used as signal passer. The head trainman could pass signals on the left side, could he not?

A Yes, under those circumstances.

MR. LEWIS: My friend said "the left side". He means the fireman's side, I take it.

MR. SINCLAIR: Yes.

THE CHAIRMAN: Yes.

MR. LEWIS: I was just a little lost.

THE CHAIRMAN: Do you want a break this afternoon, gentlemen?

MR. SINCLAIR: I am sure that even if I do not, sir, there are others who do.

MR. LEWIS: Oh, take the responsibility!

--- The Commission took recess from 3.10 p.m. until 3.20 p.m.

--- After recess.

BY MR. SINCLAIR:

Q Mr. Hopkins, you were classed as an engineman in 1955, correct?

A Yes, sir.

Q And a number of enginemen, of course, were classed in years prior to that?

A Yes, sir.

Q You knew that?

A Yes.

Q And to be classed as an engineer you have to pass progressive mechanical examinations, do you not?

A Yes, sir.

Q And as long as you have been on the railroad I take it there have been progressive mechanical examinations for the purpose of being qualified as an engineman?

A Yes, sir.

Q And the engineman is in charge of the operation of the locomotive?

A Yes.

Q By rule?

A Yes, sir.

Q He is, in the vernacular, the boss of the operation, of the engine?

A Yes, sir.

Q And I think you said at one stage that the enginemen rather looked upon you -- and I am

paraphrasing your language. If I am wrong, you may correct me -- but I think you said he looked upon you as his assistant. My note reads, "He regarded me as his assistant." Is that correct?

A Yes, sir.

Q That is to say the enginemen did?

A Yes, sir.

Q Now, I was very surprised to observe -- and I have looked at my notes and if I have it right, tell me, and if I have not, correct me -- that the road foreman instructing you said, "You will not have to worry about that --" meaning the engineman's knowledge about diesels -- "because that is what the fireman is being paid for." Is my note correct?

A That is basically correct. It was, as far as my memory was concerned. That is what he said.

Q Your evidence to this Commission is that the road foreman instructed you that the engineman did not have to know about diesels because that is what the fireman was paid for?

MR. LEWIS: I was about to rise, Mr. Chairman. I do not want to interrupt or interfere with my friend's cross-examination, but the witness did not say in direct examination that the road foreman said that to him, and if he said it to the engineer rather than to him, it makes quite obvious sense.

MR. SINCLAIR: With all due respect to Mr. Lewis, I put it to the witness, if the note I made was right, if that is what the road foreman said to him.

THE CHAIRMAN: That is what I understood, Mr. Lewis.

MR. LEWIS: I am sorry, sir. I am sure he said that.

MR. SINCLAIR: I am just as surprised as you are, Mr. Lewis, that any road foreman said that.

THE CHAIRMAN: That is what I understood the witness to say in reply to Mr. Sinclair, despite what he might have said to you, Mr. Lewis, but you can re-examine.

BY MR. SINCLAIR:

Q Which one told you this, Mr. Hopkins? You said it was either Anderson or Dow who told you that the engineman did not have to know about diesels -- in effect -- that that is what the fireman is paid for? Now, which one was it, Anderson or Dow?

A I honestly cannot remember, sir.

Q It could have been either or anyone else?

A It could have been Anderson, Dow or Stocker.

Q One of those three?

A Yes, sir.

Q And are you suggesting to this Commission, Mr. Hopkins, that enginemen have to rely on the firemen on Canadian Pacific trains for

knowledge about diesel locomotives?

A No, sir.

Q And yet, you say that you have a recollection of this road foreman, when you asked him what the engineman knew about this, he told you not to worry about that because that is what the fireman is paid for?

A If I could just explain the circumstances as to how it was said --

Q You mean that it was said as a joke?

A In a certain joking fashion. We were all in the cab together and at that time the engines were something new and we were moving and I was to go back with him to gain some instruction and my mate -- I cannot remember; I think I know who it was but I am not sure -- he said, "Well, when am I going to get my chance to go back?" And jokingly, with more joking than anything else, and in a lighter frame of mind, knowing full well he could not get out of the seat and join us, he said, "That is what he is getting paid for." It was an opportunity to give me the instruction then with the engine working, whereas the engineer right then, working, could not receive the instructions.

Q But the enginemen did receive instructions on diesels?

A Oh yes, definitely.

Q And the men you ran with as enginemen do

know diesels?

A Yes, sir.

Q They are competent enginemen?

A Yes, sir.

Q And they do know diesels?

A Oh, yes, sir.

Q You said you were taken back into the engine room for instruction. This was on an Alco car body?

A Yes, sir.

26 Q And they carried on in giving the instruction in a normal tone of voice, did they, when they gave you instructions?

A No, sir.

Q Well, what kind of a fog voice has Anderson or Dow got, that they can talk above the roar of the motors there?

A No, sir, it was before we went back. Any time we went back together with any of them he would explain what he was going to show you first and then when you went through the unit he would point to it, and after you got the idea he would maybe holler one word in your ear. He had to stand right beside you and just point it out with his finger. And then, when you got back in the cab, he would ask you if you understood the idea he was conveying to you; or if you pulled into a siding and the engines were just idling over you could go back then and he

could holler and make himself heard, just to clear up any doubt that was in your mind.

Q Were you getting ready to pass your mechanical examination just at that time? You passed in 1955, did you not?

A Yes.

Q And so, this was just before that?

A Yes, sir, it would be before that.

Q Did you ask either Dow, Anderson or Stocker to explain these things to you?

A You mean the mechanical workings?

Q Did you ask them to show you any of these resets or any of these protective devices on diesel locomotives? Did you ask them to show you?

A No, I cannot quite remember, sir. They showed me, though.

Q Did they examine you afterwards?

A You mean the mechanical examinations?

Q Yes. Were they a part of the board?

A Mr. Dow was, sir, if I remember correctly. The board was composed of Mr. Dow, Mr. --

Q That does not matter. Mr. Dow was part of the board that examined you and qualified you as an engineman?

A Yes, sir.

Q And after you were qualified in 1955 -- I do not know what date -- was it in July?

A March.

Q In March, 1955. And if, in the summer of

1955, you got a call as an engineman -- you had your A book written up?

A Yes.

Q And you could have taken that call?

A Yes, if I had got one.

Q You were qualified to run?

A Yes. I got my first trip in the summer of 1955.

Q In the summer of 1955?

A Yes.

Q Was that on a freight train?

A Yes, sir.

Q And if you got an overspeed or low lube you could have gone back and fixed it yourself as engineman, could you not?

A Yes, sir.

Q And when did you take your last trip before you came down to these proceedings?

A This is Tuesday -- approximately two weeks ago today.

Q Well, that is the last trip you had as a fireman?

A Yes, sir.

Q And on that trip did you have any alarms?

A I am working a steam engine on an assigned passenger train.

Q When were you last on a diesel?

A About two weeks previous to that, sir.

Q And two weeks previous to that, which is about a month ago, you had your last trip

on a diesel?

A Yes. It would be approximately a little less, maybe.

Q Do you remember who the engineman was on that trip?

A Let me think --

Q Did you have an alarm?

A On the last trip?

Q Yes?

A No, sir.

Q When was the last time you did have an alarm?

A It was one morning on No. 20 coming out of Windsor.

Q Yes; and what kind of alarm was it, a ground relay?

A Yes, sir.

Q That was a passenger train?

A Yes, sir.

Q And if it had been necessary to stop before resetting that alarm, could the engineman have gone back and set it, in your opinion?

A If he had to stop -- yes, sir.

Q Now, you said in regard to your experience on stokers that you had quite a bit and it was your practice to look at your fire and work it up on the shop track; am I correct?

A Yes.

Q And then, from the shop track to your train

and when you were pulling out until you crossed the road switch when you were going through the yard?

A Well, to build it up around the shop track and in the yard. I make it a practice to build up a stoker by hand when I am waiting for the brake test.

Q You continued to prepare, and you had your engine in good shape while you were on the shop track and before you left the yard?

A Yes, sir.

Q And as you moved through the yard you were always on your seat, were you?

A Yes, sir.

Q You were not ever down helping to build up this fire that you wanted to have in first-class shape before you took your train out of the terminal?

A No, sir. When we start to move the train out, to the best of my ability it is in condition then.

Q Yes. But as you are moving from the shop track over to your train before you pumped up your brakes and made your brake test after putting your engine on -- as you moved to hook on -- you were not down looking after your fire?

A No, sir.

Q You were always up looking in your seat?

A Yes.

Q Why were you so anxious to be up in your seat then, witness?

A So I could see.When you are running around the yard you want to see you are not running through switches.

Q Was the brakeman not with you?

A Yes.

Q Could he not look after that?

A Well, it is just something I had always been instructed to do.

Q Instructed by whom?

MR. LEWIS: Let the witness finish his sentence.

MR. SINCLAIR: Mr. Lewis, I know it is hot, and you seem to be very anxious today.

MR. LEWIS: I am not the least bit anxious.

THE CHAIRMAN: Gentlemen, there is a question which had been asked. Had you completed your answer, witness?

THE WITNESS: If Mr. Sinclair would repeat the question I could start over again.

BY MR. SINCLAIR:

Q I asked you whether the trainman could not look after looking for switches and things like that, and you said, "Yes", as I understood it, and you went on to say that you had always been instructed to look out?

A Yes.

Q To keep an eye?

A Yes.

Q And I asked you, "Instructed by whom?"

A By the engineers, from the time I started firing. Their instructions always were, "Keep an eye out when we are moving around the yard." It is just what I was told to do. I was more or less brought up that way.

Q And where would the trainman ride?

A Going back to the train, on the rear corner of the tender, or footboard, if it was a diesel. In the case of stoker engines, on the rear corner of the tender on the right side.

Q In the summertime did he used to ride up in the cab, up on your side?

A Not going back through the yard.

Q You would be moving down there first?

A You move forward first. You either move forward or backward to get off the shop track, and generally you had to reverse, depending on the location where the town was.

Q And he would ride on the footboard -- on the tender -- on the engineman's side?

A Yes.

Q And so, he would be on the point of the movement as it was moving backwards?

#27 A Yes, sir.

Q Now then, you went out on the road and you got instructions again, I suppose, from the

enginemen to keep a lookout?

A Yes, sir.

Q And on freight trains there would be trainmen up there on the engine going over the road?

A Yes.

Q And they would be keeping a lookout also on the left-hand side.

A Yes, to the best of their ability.

Q And you would keep a lookout to the best of your ability?

A Yes.

Q And the engineman would keep a lookout to the best of his ability?

A Yes.

MR. SINCLAIR: Thank you.

THE CHAIRMAN: Any re-examination, Mr. Lewis?

MR. LEWIS: I have just one or two questions, Mr. Chairman.

BY MR. LEWIS:

Q Mr. Hopkins, you answered a question asked, I believe, by Mr. Sinclair, that suggested that in 1954, when you got your training on the diesels you were getting ready for your mechanical examination. Did you write any in 1954?

A Mechanical examinations?

Q Yes?

A No, sir.

Q Well, there is a series of three progressive mechanical examinations. When did you write your first one, do you remember? Was it before 1954? Let me help you in that way.

A Yes, sir. I am not sure of the date. I have the ticket at home, but I did not think to bring it with me.

Q That is all right.

A I think it was, anyway.

Q And then, did you write the second one separately, or did you write the second and third together?

A No, it was the first and second together, I think. I wrote two together and then one alone. I think the first and second, it was, and then the third.

Q Well, that was the series: Two first and then one alone -- you would write your first and second together?

A I think that is what it was.

Q Can you remember how long after you got your diesel instruction in 1954 or how long before March 155, when you wrote your final set of mechanical examinations did you get this instruction on the diesels? Would it be three months, six months, nine months?

MR. SINCLAIR: Just let him make

the estimate, Mr. Lewis.

THE WITNESS: This was three years ago and I cannot recall every detail. It was just in the late summer -- possibly the late summer or fall of the year preceding my third year mechanical examinations. I think that is the way it was. One winter seems much the same as another when you go back a couple of years and I could not guarantee offhand, but I think it was in the fall before I wrote my mechanical examination.

MR. LEWIS: Mr. Chairman, I was going to ask some questions about Guelph, but I do not know whether it would be terribly helpful. I do not know whether the Commission has given any thought to going to view this place. It is only 15 or 16 miles from Galt. If it had, I would not waste time now on questions that could more easily be cleared up after the Commission saw the place.

THE CHAIRMAN: I was wondering that during the examination, but the witness agreed in cross-examination that even though there was difficulty, if the engineman was doing his work the way he did it, cab first, there would not be any difficulty if the engine were turned around and it could be turned around on the wye, so is there any point in our seeing it, do you think?

MR. LEWIS: May I reserve the

answer to that question, sir?

THE CHAIRMAN: Very well.

MR. LEWIS: That is all I have now, Mr. Chairman.

THE CHAIRMAN: Have you another witness?

MR. LEWIS: Yes, I have one whom we might conceivably get through with before adjournment -- I do not know. It is Mr. Edmund Burke.

EDMUND BURKE, Sworn

EXAMINED BY MR. LEWIS:

Q Mr. Burke, you are now a fireman in way freight?

A That is right, sir.

Q Working out of where?

A Out of Lambton.

Q Out of Lambton yard?

A Yes, sir.

Q And you joined the Canadian Pacific Railway in August, 1947, as a shop labourer or wiper? Is that right?

A Yes.

Q You were made a fireman in October, 1948?

A Yes.

Q You were classed as an engineer in March, 1954?

A That is right.

Q Do you recall, Mr. Burke, the incident of a fire in one of the units in a diesel locomotive you worked on some time in 1956 -- the early part of the year 1956?

A Yes, I do.

Q Would you tell the Commission about that, please? Who was the engineer with you at that time?

A The engineer's name was Clair Graham.

Q And can you remember approximately what time of the year it was?

A Well, I would say it was late March; maybe the first of April.

Q Of 1956?

A Yes.

Q And what train were you on, do you remember that?

A It would be Train No. 953.

Q And how many units did you have in your diesel locomotive?

A We had three units.

Q Do you remember what they were? Were they car body or road switcher types?

A Car body types.

Q And were they all loading when you started on your trip?

A No, I had three engines.

Q And you started from where?

A West Toronto.

Q Going where?

A To MacTier.

Q And when you started from West Toronto you had three units and I asked whether they were all loading?

A There were two loading and one was a dead engine.

Q And which was that, the second or third?

A The third engine was dead.

Q The third unit was dead?

A Yes.

Q And you left West Toronto shop track, I presume, and did you do anything there?

A Well, we done the usual check of the engine. I knew this engine was going dead. It was going north for repairs. We were told that. So, I checked with the shop staff to make sure that all the water was out of it because there was still the danger of freezing at that time of year and they told me the engine was o.k. and I had nothing to worry about because the engine was dead, so I figured it was just like another box car.

Q And if I may, did the engineer make his usual brake check?

A He got a brake test on the train.

Q And was any attention paid to this third unit during that brake test or not?

A Well, I went back and checked that third unit to see that the brakes all released.

Q Where did you do that from? Where were you?

A From the ground on the engineer's side.

Q And then you pulled out?

A We backed out of the yard.

Q And what was the next time that anything occurred?

A Well, first we had a meet at Alison. The engineer used the brake at West Toronto but did not use it again until Alison.

Q Is it "Alison" or"Aliston"? Which is it?

A I am not too sure. I think it is Aliston, now that you mention it.

MR. SINCLAIR: It is listed as Aliston.

BY MR. LEWIS:

Q Yes?

A We had a meet at Aliston and the engineer applied the brakes.

Q And did anything happen while you were standing at Aliston or not?

A We had our meet and started out again.

Q You go on from there, Mr. Burke.

A Well, on the first curve coming out of Aliston I looked back on my side and there was lots of smoke coming from the third unit.

Q Yes? And what happened then?

A Well, I told the engineer about this smoke and immediately I went back to the third unit to see what was the matter.

Q Had the train stopped or was it in motion?

A As soon as the engineer knew there was smoke he knew something was wrong so he applied the brake.

Q Where were you when he applied the brake?

A He started to apply it when I started back.

Q Then you got back to the third unit, and what did you find there?

A Well, it was full of smoke.

Q Yes?

A By that time the train was stopped and I could not see any flame inside the engine so I got out on the ground and could see flame underneath the engine.

Q Yes?

A By that time the engineer was there.

Q Yes? Did either of you do anything?

A Well, right away we got the fire extinguisher and we tried to put out the fire.

Q Yes? And did you succeed or not?

A No, we could not get the fire out. It was up underneath the frame. The grease seemed to be burning underneath the frame. We had to use the fire extinguisher against the wind and it was that powdery kind and we were getting more on ourselves than we were on the fire.

Q And what happened then? The train was stopped now, and you and the engineer were both trying to put the fire out. You say you did not succeed. What happened then?

A We thought we had it under control enough to get to a place where we could get a water hose.

Q What was that place?

A We went to Midhurst.

Q Obviously the engineer went back to his controls or you would not have started?

A The engineer went back to his controls and

I stayed back there with the fire extinguisher.

Q Stayed back where?

A Back in the third unit.

Q What were you standing there for with the fire extinguisher?

A There was still lots of smoke and we could not assure ourselves that it would not set fire again. We were not satisfied that it was completely out but we had it completely under control.

Q And then did you get to Midhurst without mishap?

A Yes, we did not stop.

Q And what did you do there?

A I believe the engineer did get in touch with the proper officials at Toronto to see if it was o.k. to use the hose. He got the o.k. and we used the hose and put the fire out.

Q That is an ordinary water hose?

A Yes.

Q And you put out the fire?

A That is right, sir.

Q Do you recall another incident with a fire some time ago?

A Yes, I was on another diesel when it was on fire.

Q When was that?

A Well, that was about August of 1956.

Q August of last year?

A Yes.

Q Do you remember the name of the engineman in that case?

A The engineer was Jack Ovell.

Q And do you remember the number of the train in that case?

A I believe it was No. 964.

Q And were you going north from Toronto to MacTier or the other way?

A South from MacTier to Toronto.

Q With how many units?

A Two.

Q Do you remember what kind -- road switcher or car body type?

A The leading unit was a road switcher. We had a B unit trailing.

Q And did anything happen on that trip before the fire that you are going to tell us about?

A Well, nothing happened until the engineer used the dynamic brake.

Q Yes?

A And then --

Q I am sorry to interrupt you. What were you going to say?

A From Bolton to Toronto it is down grade.

Q You say it is down grade?

A Yes.

Q And you say the engineer started using the dynamic brake, and did anything happen then?

A That is when we got an indication of a

ground relay.

Q Yes, and did anyone do anything about that?

A Well, I went back and found the ground relay tripped in the B unit.

Q Yes; and did you reset it?

A Yes, I reset it and came up and told the engineer what the trouble was.

Q You told us, I think, that the lead unit was a road switcher and the trailing unit was a B unit?

A Yes.

Q And did the train stop before you went back from the leading unit?

A No, the train was not stopped.

Q Was there any walkway between the road switcher and the B unit?

A Well, you cannot have a walkway -- there was a walkway on the road switcher and you could step down into the doorway of the unit.

Q And you did that while it was in motion?

A Yes, while it was in motion.

Q Do you remember the speed at which it was going at the time?

A Well, I waited until it was a safe enough speed and I figured there was no danger. I could not tell you the exact speed but there did not seem to be any danger to me.

Q So you reset the ground relay that had tripped and went back to your seat in the lead unit?

A Yes. I told the engineer why the bell rang and why we got the indication.

Q Did anything happen after that?

A He used the dynamic brake again and we got the same indication on the front unit so I went back after waiting until he slowed down again. I went back thinking I was going to find the same thing but when I opened the door all I could see was black smoke.

Q Yes; and did you do anything?

A I took the fire extinguisher. First of all I opened the doors to let the smoke out so I could see. It was very thick black smoke. I let the smoke out and took the fire extinguisher and tried to bring the fire under control enough that I could go up and tell the engineer what was wrong.

Q Yes; and was the train in motion all of this time or had it stopped?

A The train was still in motion.

Q Yes? Well, you said you tried to use the fire extinguisher to bring the fire under control?

A Yes, I did.

Q Did you or did you not succeed?

A I just brought it under control so that I thought it was safe enough to leave it while I went up to the engineer because I figured he would have to stop.

Q So you did that?

A Yes.

Q You went up to the cab of the leading unit and told the engineer what was wrong?

A Yes.

Q And did he stop?

A Well, he did not stop immediately. We were coming right through a town where there were plenty of crossings and it was right in the rush hour, so he continued --

Q What town was that?

A Weston. We had a long train and he was going to tie up crossings so he took the train across all the crossings and the brakeman went back and made a cut and stopped at one of the crossings.

Q And what did you do, in the meantime?

A I was, of course, back with the fire extinguisher.

Q And you applied it some more, did you?

A I tried to, but I was not making much headway. He had to come back and we found the fire was up in the roof so he had to hold the fire extinguisher up to me and I climbed up the side --

Q I am sorry to interrupt you again, but I did not hear you; I am sorry. He held the fire extinguisher, you say?

A He held the fire extinguisher up and I used the nozzle. It only had a hose that long -- (witness indicates with his hands a length

of two or three feet approximately).

Q And you said something about climbing something or other?

A Well, I climbed up as high as I could to reach the fire.

Q I see; and you applied the extinguisher?

A In that way we could get to the base of the fire and put it out.

Q Did you put it out?

A Yes.

Q And after you got it out, what happened?

A Well, we came ahead then to West Toronto.

Q And you reached the yard safely after that?

A Yes, we called the mechanical department and had them come out and inspect the engine to see --

Q They came to inspect the engine where?

A At the West Toronto diamond.

Q You got as far as the West Toronto diamond?

A Yes.

Q And you stopped there?

A Yes.

Q And you called the authorities, as it were?

A Yes.

Q Someone came and inspected it and told you it was o.k. and so you went into the yard?

A Yes.

MR. LEWIS: Thank you, I think that is all.

THE CHAIRMAN: Do you want to

cross-examine in the morning, Mr. Sinclair?

MR. SINCLAIR: Very well, sir.

THE CHAIRMAN: At ten o'clock, then.

--- The Commission adjourned at 4.00 p.m. until 10.00 a.m. Wednesday, June 19, 1957.

BINDING SECT. APR 21 1972